

BOARD OF SUPERVISORS

Brown County



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PUBLIC SAFETY COMMITTEE

Patrick Buckley, Chair
Tim Carpenter, Vice Chair
Bill Clancy, Andy Nicholson, Guy Zima

PUBLIC SAFETY COMMITTEE

Wednesday, May 1, 2013

5:30 p.m.

**Brown County Jail
3030 Curry Lane, Green Bay**

**** Tour of Jail Facilities @ 4:30pm, Mtg to Follow @ 5:30pm ****

- I. Call meeting to order.
- II. Approve/Modify Agenda.
- III. Approve/Modify Minutes of March 7, 2013 and April 4, 2013.
1. Review Minutes of:
 - a. Criminal Justice Coordinating Board (February 26, 2013).
 - b. Fire Investigation Task Force Board of Directors (December 27, 2012).

Comments from the Public.

Communications

2. Communication from Supervisor Campbell re: To refer for review by Executive and Public Safety Committees step pay for public safety employees with possible action. *Referred from April Cty Bd.*

Medical Examiner

3. April, 2013 Brown County Medical Examiner Activity Spreadsheet.

Register in Probate

4. Budget Adjustment Request (13-30) Category 3b: Reallocation of personnel services & fringe benefits to another major budget class except contracted services, or reallocation to personnel services & fringe benefits from another major budget class except contracted services.

Public Safety Communications – Emergency Management

5. Report out on the April Public Safety Communications Advisory Board Meeting.
6. Director's Report.

Sheriff

7. Budget Status Financial Report for March, 2013.
8. Key Factor Report.
9. Jail Average Daily Population by Month and Type for the Calendar Year 2013.
10. Budget Adjustment Request (13-28) Category 5: Increase in expenses with offsetting increase in revenue.
11. Budget Adjustment Request (13-29) Category 2b.: Change in any item within Outlay account which requires the reallocation of funds from any other major budget classification or the reallocation of Outlay funds to another major budget classification.

12. Discussion re: Wisconsin Administrative Code Trans 305 adopted into Brown County Ordinance.
13. Sheriff's Report.

Circuit Courts, Commissioners - No agenda items.

Clerk of Courts – No agenda items.

District Attorney – No agenda items.

14. Audit of bills.
15. Such other matters as authorized by law.
16. Adjourn.

Patrick Buckley, Chair

Notice is hereby given that action by the Committee may be taken on any of the items which are described or listed in this agenda.

Please take notice that it is possible additional members of the Board of Supervisors may attend this meeting, resulting in a majority or quorum of the Board of Supervisors. This may constitute a meeting of the Board of Supervisors for purposes of discussion and information gathering relative to this agenda.

PROCEEDINGS OF THE BROWN COUNTY
PUBLIC SAFETY COMMITTEE

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the **Brown County Public Safety Committee** was held on Thursday, March 7, 2013 at the Brown County Sheriff's Department – 2684 Development Drive, Green Bay, WI

Present: Chair Patrick Buckley, Supervisors Tim Carpenter, Bill Clancy, Nicholson, & Zima
Also Present: Sheriff John Gossage, DA David Lasee, Brent Miller – Dept of Administration
Tom Miller-Austin Straubel Airport, Cullen Peltier, Lynn VandenLangenberg
Supervisor Dan Robinson, Other Interested Parties

I. Call Meeting to Order

The Meeting was called to order by Vice-Chairman Tim Carpenter at 5:35 p.m. who conducted the meeting until the arrival of Chairman Patrick Buckley at 5:40 p.m.

II. Approve/Modify Agenda

A request was made to move items 10 & 11 forward.

Motion made by Supervisor Nicholson, seconded by Supervisor Clancy to approve as modified. Vote Taken. MOTION UNANIMOUSLY APPROVED

III. Approve/Modify Minutes of January 23, 2012

Motion made by Supervisor Nicholson, seconded by Supervisor Clancy to approve. Vote Taken. MOTION UNANIMOUSLY APPROVED

1. Review Minutes of:

a. Fire Investigation Task Force General Membership (December 65, 2012)

Motion made by Supervisor Clancy, seconded by Supervisor Nicholson to receive and place on file. Vote Taken. MOTION UNANIMOUSLY APPROVED

Comments from the Public - None

Carryovers

2. 2012 to 2013 Carryover Funds – Public Safety Division

Information relative to 2012-2013 carryover funds for Public Safety Communications and the Sheriff's Department as included in packet material was reviewed. Mr. Miller explained the funds will be used for various training and project implementation not accomplished in 2012.

Motion made by Supervisor Clancy, seconded by Supervisor Nicholson to approve and forward to the County Board. Vote Taken. MOTION UNANIMOUSLY APPROVED

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#'s 10 & 11 discussed at this time on the agenda.

District Attorney

10. Discussion re: District Attorney Funding Issue Held for one month.

Because of a significant increase in the number of Drug Task Force cases resulting in a backlog in the District Attorney's office, it was suggested by the County Board that \$150,000 be taken from the General Fund to contract or hire an Assistant DA and support staff for a period of 1 year.

District Attorney, David Lasee, explained that it is unlikely that any aid will come from the State during this budget cycle. The Governor's budget does include pay progression for prosecutors but does not include money for any additional positions within the next two years or during his first term. Lasee indicated that although waiting for final reimbursement numbers, he predicts year end figures to be close to assumptions.

Motion made by Supervisor Carpenter, seconded by Supervisor Nicholson to receive and place on file. Vote Taken. MOTION UNANIMOUSLY APPROVED

11. Resolution requesting the Brown County Board of Supervisors contract for an Assistant District Attorney Position and a support staff position for one year. *Referred from December County Board and held for three months.*

Supervisor Clancy asked if a position is filled, how long it would take to get it up and running and Lasee indicated he would not expect it to take too long as the individual would be experienced with the goal to work on the backlog.

Motion made by Supervisor Clancy, seconded by Supervisor Carpenter to hire an Assistant District Attorney position and support staff position with evaluation after one year or before the budget process.

When Chairman Buckley asked if it was reasonable that a support staff position could be hired for just one year, DA Lasee suggested that contracting be considered and clarified that a contract position would not receive benefits.

Brent Miller asked if the \$150,000 suggested to be taken from the General Fund would be adequate and Supervisor Clancy questioned if the County could pick up what is left after the \$150,000 is used.

(Supervisor Zima – Arrived 5:55 p.m.)

Mr. Miller pointed out that it had been suggested by Lynn VandenLangenberg to use a UWGB or Technical College student as support staff. Lasee indicated that although staff is working efficiently with what they have, there may be technical equipment that could increase efficiency. He noted that the Sheriff's Department is currently looking at the purchase of speech-to-text software for the Drug Task Force through a grant. (See #6 below). Lasee estimates the cost of this software at \$6,000 to \$10,000.

Supervisor Carpenter stated that he would be willing to support the resolution with the caveat that it be re-evaluated before the next budget process

Supervisor Robinson stated that although he has concerns, he would support the resolution. He pointed out that if prosecutions increase, other increases can be expected, specifically with higher numbers and need for additional space at the jail, a bigger need for drug rehabilitation, along with increased court costs. He stated that before taking a vote, he would like to have a true picture of the total costs, opining that once the position is filled, it may need to be long term. He would like to have confirmed just is going to be spent, and that it be part of the budget process.

When asked about space at the jail, Sheriff Gossage indicated it is presently at 82% capacity (see Sheriff's report - #7 for further information).

DA Lasee emphasized that the purpose of the additional positions is to handle the backlog, pointing out that many of the cases will not be prosecuted and are not likely to result in jail. He offered to provide a synopsis of what the backlog cases involve.

Supervisor Zima suggested the committee not get bogged down with details or nothing will get done. It has been determined that the increase in population has resulted in an increase in drug and criminal cases and it is necessary to focus on the larger picture.

In conclusion, DA Lasee was asked to research the cost of hiring an attorney and support staff compared to that of contracting for these positions, in addition to the cost of any needed equipment.

Motion amended by Supervisor Clancy, seconded by Supervisor Carpenter to amend the above motion requesting that the District Attorney's Office work with the Department of Administration and bring back a report at the April meeting of this committee which will give options including financials to either hire an Assistant DA and support staff, or contract for these positions to facilitate with the backlog in the DA's office. In addition the report should include the cost of additional equipment, all not to exceed \$150,000. MOTION UNANIMOUSLY APPROVED

Communications

3. **Communication from Supervisor Buckley re: Would like Mr. Miller from the Airport to come to Public Safety Committee and give an update on funding for the Sheriff's Deputy to be stationed at the Airport. *Held for one month.***

Airport Director, Tom Miller, reported that a grant has been received from the TSA for a three year period for partial reimbursement of a law enforcement officer at the airport in the amount of \$320,316. When asked by Buckley what this figure is based on, Miller indicated he cannot discuss in open session the amount of coverage only the dollar figure.

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Chairman Buckley questioned if the grant is based on 24/7 occupation and Miller explained it is based on a \$20 per hour reimbursement rate during the time the checkpoint is open. These hours have been consistent since application of the grant in May 2012. Miller agreed to provide the specifics of the grant in Closed Session.

Chairman Buckley indicated he has never seen any law enforcement officer at the airport when he has been there and questioned safety/liability concerns. He questioned that a local officer could get there in time if there was an issue, pointing out a recent episode involving a passenger with a weapon. Sheriff Gossage reported this individual did not realize he had the concealed weapon in his carry on and was cooperative with airport personnel.

Legal Counsel recommended the committee move into Closed Session for any further discussion regarding security issues.

Supervisor Zima asked if the \$320,000 grant could be used for other purposes stating he has never found the airport to be dangerous, knowing that local officials are minutes away. He asked if it was possible to deputize current staff for this purpose. Although an officer was in place after 911, he opined it was found to be unnecessary.

Chairman Buckley asked what role the TSA plays and Mr. Miller explained it is to screen passengers and insure they are carrying appropriate items onto the airline. Passengers cannot be detained or taken into custody, although items can be removed.

Motion made by Supervisor Zima, seconded by Supervisor Nicholson to move into closed session at 6:40 p.m. Roll Call: Present: Buckley, Carpenter, Clancy, Zima Excused: Nicholson Vote Taken. MOTION UNANIMOUSLY APPROVED

#13 taken out of order

Closed Session

13. Convene in Closed Session to discuss and assess Brown County's Austin Straubel International Airport TSA Security Plan. Pursuant to S19.85(1)(d), any meeting of a governmental body may be convened in closed session for purposes of considering specific applications of probation, extended supervisor of parole, or considering strategy for crime detection or prevention. Additionally, under S19.85 (1)(f), any meeting of a governmental body may be convened in closed session for purposes of considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.

Motion made by Supervisor Zima, seconded by Supervisor Clancy to return to regular order of business at 7:25 p.m.. Roll Call: Present: Buckley, Carpenter, Clancy, Zima Excused: Nicholson Vote Taken. MOTION UNANIMOUSLY APPROVED

Back to #3 on agenda - **Communication from Supervisor Buckley re: Would like Mr. Miller from the Airport to come to Public Safety Committee and give an update on funding for the Sheriff's Deputy to be stationed at the Airport. Held for one month.**

Motion made by Supervisor Carpenter, seconded by Supervisor Clancy to hold for one month.

Ayes: Buckley, Carpenter, Clancy, Zima

Excused: Nicholson

Vote Taken. MOTION APPROVED

Sheriff

4. **Budget Adjustment Request (13-08) Category 5: Increase in expense with offsetting increase in revenue – justification attached.**

Sheriff Gossage explained that this budget request is to increase grant revenue for 2013 for 2012 unspent HDTA grant funding that can be utilized in 2013. Grant revenue offsets expenses for equipment and DTF officer overtime while working on HIDTA cases.

Motion made by Supervisor Zima, seconded by Supervisor Clancy to approve.

Vote Taken. MOTION UNANIMOUSLY APPROVED

5. **Budget Adjustment Request (13-12) Category 5: Increase in expense with offsetting increase in revenue – justification attached.**

This is a request to increase grant revenue for 2013 and also increase expenses for the County's share of the Green Bay 2011 Federal Port Security Grant. Gossage explained it will be administered by Green Bay and includes a variety of supplies, equipment and outlay items for the Sheriff's Office. The grant was budgeted in 2012 and the majority of the items were purchased in 2012 but some purchases remain to be made in 2013, specifically night vision goggles, helmet and weapon mounts, optical signs and headsets. This adjustment therefore is only for the amount of the grant remaining to complete in 2013, or \$33,467, (\$20,824 - equipment, \$12,643 - supplies).

Motion made by Supervisor Clancy, seconded by Supervisor Carpenter to approve.

Vote Taken. MOTION UNANIMOUSLY APPROVED

6. **Budget Adjustment Request (13-14) Category 5: Increase in expense with offsetting increase in revenue – justification attached.**

Gossage explained this is a request to increase grant revenue for 2013 and also increase outlay expense for the purchase of speech-to-text software licenses and equipment for the Drug Task Force. The three-year Drug Diversion grant that was to end in 2012 was extended by the Wis. Office of Justice Assistance to allow unspent dollars to be used for this purpose. The grant had money left due to savings in health insurance fringes for the part-time clerical position that the grant was funding. The proposed spending is in furtherance of the grant's initial objectives.

Motion made by Supervisor Carpenter, seconded by Supervisor Zima to approve.

Vote Taken. MOTION UNANIMOUSLY APPROVED

7. Sheriff's Report

Sheriff Gossage highlighted the following activities:

- Brown County Jail is presently at 82% capacity. There are 81 individuals on electronic monitoring, and 29 on alcohol scanning bracelets.
- Presentation on Fraud Investigation which was postponed, will be on the agenda of the April meeting.
- \$415,000 will be returned to the General Fund. Gossage attributed this to maintenance software, project management, utility chargebacks, keeping overtime costs down, and increased revenue due to federal prisoner boarding. He reported that it costs \$99,147 a day to run all Sheriff's operations.
- Housing of Juvenile Population - A cooperative agreement is being drafted to contract with five adjoining counties to house juvenile population which will result in increase in revenue.

Motion made by Supervisor Zima, seconded by Supervisor Clancy to receive and place on file. Vote Taken. MOTION UNANIMOUSLY APPROVED

Public Safety Communications

8. Resolution re: Change in Table of Organization Public Safety Communications Assistant Director of Public Safety Communications.

The Public Safety Communications Department was directed by the County Board to evaluate the management structure of the Assistant Director of Public Safety Communications position, suggesting the addition of a 1.00 FTE Assistant Director, and deleting a .25 FTE Communications Manager, resulting in a .75 salary adjustment to the Public Safety Communications Department Table of Organization. This action would result in no fiscal impact and is currently budgeted.

A job description was provided by Cullen Peltier and Brent Miller of HR (attached). Chairman Buckley asked how this description differs from the previous one drafted in 2003 and Peltier highlighted several changes and additions that were made. Buckley stated he expected more emphasis on project management and training.

Supervisor Zima noted the pay grade was originally at 17 and has been raised to the 22 to 28 range, or a salary of \$79,388 to \$94,478. Zima opined the new job description does not appear to strengthen the position.

Whether a new director should be hired before the description is finalized was discussed and the consensus was that would be best. That, along with other concerns with the content of the description resulted in a directive from the committee to send back for further evaluation.

Motion made by Supervisor Clancy, seconded by Supervisor Zima to hold for one month for further evaluation of the job description. Vote Taken.

MOTION UNANIMOUSLY APPROVED

9. **Director's Report**

Mr. Peltier distributed his written report (attached), highlighting the following:

- Radio Project Update
- Communications Center Staffing
 - o 3 FTE Telecommunicator positions are open
 - o Bill McGlin was hired in March as a supervisor
 - o Communications Manager position will be eliminated at the end of March
- Tower Rental Agreement with Aradigm has been finalized.
- Update on Employee Safety
- Implementation of Packerland Fire District
- Emergency Management Exercise at Wrightstown
- Significant call on March 3rd – East Town Mall suicidal stand off
- Media Coverage
 - o Misuse of 911/Pocket Calls (Public Education)
 - o NWTC Dispatch Certificate Program
- National Telecommunicators Week Ceremony will be held on April 17th at 4 p.m.
- Brown County Public Safety Advisory Board meeting – April 24th, 10 a.m.

(See attached report for details)

Motion made by Supervisor Zima, seconded by Supervisor Carpenter to receive and place on file. Vote Taken. MOTION UNANIMOUSLY APPROVED

Medical Examiner

12. **2013 Brown County Medical Examiner Activity Spreadsheet**

Motion made by Supervisor Carpenter, seconded by Supervisor Clancy to receive and place on file. Vote Taken. MOTION UNANIMOUSLY APPROVED

Circuit Courts, Commissioners, Probate – No agenda items

Clerk of Courts – No agenda items

Emergency Management – No agenda items

14. **Audit of Bills**

Motion made by Supervisor Carpenter, seconded by Supervisor Clancy to approve audit of bills. Vote Taken. MOTION UNANIMOUSLY APPROVED

15. **Such Other Matters as Authorized by Law:**

None

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16. **Adjourn**
Next Meeting – April 4, 2013 – Austin Straubel Airport
Meeting will begin with a closed Session at 3 p.m. with regular session at 5 p.m.

Motion made by Supervisor Zima, seconded by Supervisor Clancy to adjourn at 8:00 p.m. Vote Taken. MOTION UNANIMOUSLY APPROVED

Respectfully submitted,

Rae G. Knippel
Recording Secretary

III

PROCEEDINGS OF THE BROWN COUNTY
PUBLIC SAFETY COMMITTEE

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the **Brown County Public Safety Committee** was held on Thursday, April 4, 2013 at Austin Straubel International Airport, 2077 Airport Drive, Green Bay, Wisconsin.

Present: Chair Pat Buckley, Supervisor Clancy, Supervisor Zima, Supervisor Carpenter, Supervisor Nicholson
Also Present: Supervisor Erickson, Supervisor Landwehr, Fraud Investigators, Tom Miller, Sheriff Gossage, Chief Deputy Delain, Brent Miller, Jenny Hoffman, Bonnie De Bauche, Cptn. Sanborn, Cullen Peltier, Judge Atkinson, Jason Beck, Neil Basten, David Hjalmquist, David Lasee, Kim Pansier, Dana Johnson,

I. Call meeting to order.

The meeting was called to order by Chair Patrick Buckley at 5:01 p.m.

II. Approve/Modify Agenda.

Motion made by Supervisor Clancy, seconded by Supervisor Erickson to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

III. Approve/Modify Minutes of March 7, 2013.

Motion made by Supervisor Clancy, seconded by Supervisor Erickson to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

1. Review Minutes of:

- a. Criminal Justice Coordinating Board (February 26, 2013).
- b. Fire Investigation Task Force Board of Directors (December 27, 2012).

Motion made by Supervisor Clancy, seconded by Supervisor Erickson to take Items 1 a & b together. Vote taken. MOTION CARRIED UNANIMOUSLY

Motion made by Supervisor Erickson, seconded by Supervisor Clancy to receive and place on file Items 1 a & b. Vote taken. MOTION CARRIED UNANIMOUSLY

**** Presentation ****

By Human Services Fraud Investigators

The fraud investigators introduced themselves and presented a Power Point overview of 2012 Brown County public assistance fraud. A copy of the Power Point is attached.

Following the presentation a question and answer session was held. Supervisor Zima felt that the work the fraud investigators has done is only the tip of the iceberg as there are many people struggling and he felt the status quo of the United States is to get whatever

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you can get however you can get it. He stated that hopefully the work these investigators are doing will put Brown County ahead of the curve and will provide an example for the rest of the country. Zima commented on the 2011 figures in which there was a total of 63 law enforcement investigations for overpayment of foodshare, medical assistance and child care. Zima asked where the leads for these cases come from and the investigator stated they have a hotline that brings in quite a few leads and they also receive leads from a number of different sources such as the jail. The investigator stated that they get notifications from the jail almost daily and the jail provides an incredible amount of data and keeps a very good handle of what is going on. Zima stated he was trying to get a handle on how the cases get started and Economic Support Supervisor Jenny Hoffman stated that the majority of referrals come from Human Services economic support case workers who are trained to pick up on red flags. If suspicions are raised in economic support, a referral is written to the Sheriff's Department and from there these investigators take over. The investigator continued that they receive the referral and then they start to check resources in regard to information provided from case workers and then it is a matter of hitting the street to look people up, conduct interviews and do background investigations. The investigators have a fairly decent success rate in interviewing.

Buckley stated that when it comes to budget time, or even before that time, it would be nice to have more data from 2012.

Supervisor Landwehr asked if the savings derived are recognized by the County or if it is the State who receives those savings. Hoffman answered that this is a federal program. Landwehr felt the County should be pushing the State more to pick up more of the costs. Landwehr also had questions on disqualification as referred to in the presentation. He asked if someone gets disqualified in Brown County, if the disqualified person would be able to move to a neighboring county and re-establish benefits and the investigator stated that once someone is disqualified they are disqualified in all counties as foodshare is a federal program.

Supervisor Erickson questioned the types of items purchased with foodshare cards. He stated that he often sees people buying items such as chips and soda at convenience stores and he would like to know why these types of items are allowed to be purchased. Hoffman stated the federal government applies the policies as to what can and cannot be purchased with foodshare. Erickson also commented that as investigators if they see things that need change they should be sure to bring these things forward to the oversight committee because even though some of these items are federal based, the County could still create some resolutions which could then go to legislators in an effort to do a little bit of good.

Buckley stated that he, Supervisor Erickson, Sheriff Gossage, County Executive Streckenbach and others have talked to different State representatives and there are currently some bills that will hopefully be voted on soon to address some of these issues. Buckley also stated that he had recently spoken with Chad Weininger who advised him that there are bills that will hopefully address some of these issues.

Zima wanted to go back to the number of individual cases. The investigator stated that in 2011 there were 191 cases with law enforcement involvement and of those cases, 34 were brought to court. Zima wanted to know why there were not more cases brought to Court and the investigator answered that sometimes there is an overpayment but the case would

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not fit the criteria of the recipient receiving an ordinance citation or the case may mistakenly not being forwarded to the district attorney's office. Zima commented that only about 16% of cases went to court and the investigator responded that some of the investigations result in no fraud being found.

Zima stated that the County Board appears to be supportive of the efforts of the investigators, but he believed the statistics were important to have. Buckley also pointed out that the investigators started in January or February of 2011 and for the first year there was only one investigator. The second investigator was added in 2012 and there was an increase in investigations at that time.

Economic Support Supervisor Bonnie De Bauche stated that one thing that was not included on the Power Point presentation was that sometimes the investigators may sit in with a case worker who is interviewing a customer and there are times that the investigators' presence results in admissions that result in savings. This is not necessarily an overpayment, but there are still savings derived from this, even though there is not a specific dollar amount. The cases that go to the District Attorney's office are the larger cases.

Zima asked if when people get the benefits if there is a provision that if there is a change in the household that Human Services has to be notified immediately. The case worker goes over all of these things when the customer first comes in to apply for benefits. Sometimes if income is under reported instead of not reported at all or in the instance of a person receiving a raise that is not reported, sometimes those minor incidents are not referred.

Hoffman stated of the 191 cases referred in 2011, she would estimate that about half resulted in a finding of no fraud. Of those cases that are left, the larger ones will be referred to the District Attorney's office and the smaller cases may result in ordinance citations and disqualification for a year. Zima asked of the half that are cleared, is there is anything that can be done to screen better so time is not being spent investigating cases that do not have fraud involved. Hoffman responded that her case workers do an excellent job in the screening process. Zima stated there is much more fraud than what is being detected and he is very happy that Brown County has taken the initiative they have and he is fully supportive that these investigations come out of our tax dollars because the County is showing the state and federal government that that there is something going on here so they may start giving us the help we need as the County's workforce is somewhat limited.

Buckley asked if there was part of the State that would be a counterpart and the investigator responded that the Department of Health Services would be the State entity and they also have state investigators. There are times that they cannot find the information they need from the system locally and at those times they do get in touch with the State investigators to get needed information. Zima was curious as to what the State people felt about the efforts being made in Brown County and the investigator responded that they have heard that Brown County is viewed as the leader in the State and they have taken some of the letters that are sent out to customers and have used them as a State wide letter such as the penalty warning letter. Hoffman also stated that they get calls often from other counties so Brown County is continuously sharing with other counties what Brown County is doing. Zima wanted to know if any other counties were cranking up their investigations and De Bauche answered that Oconto County does a very good job at their investigations as well. Hoffman also stated that many of the larger counties are also very aggressive against fraud.

Supervisor Clancy suggested that just the presence of the investigators out there and when the case workers make recipients aware that we have fraud investigators, it may take care of a few problems before they become problems. The presence out in the field says a lot and he felt the problems would be much, much worse without the investigators we have.

Zima asked when statistics for 2012 might be available and the investigator responded that there are 56 cases which have not been processed yet as the cases can be very complicated and they are doing the best they can but she does not have an estimate as to when they will be processed, but she felt that by the end of this year the data for 2012 would be available. Hoffman stated that they could report the information they have to the Committee on a monthly basis or quarterly basis if the Committee preferred. Zima stated that he would like to have another update in the June – August timeframes since budgeting comes up in September and October. Hoffman felt that by mid-year they should be nearly done with the 2012 figures.

Comments from the Public.

Communications

2. **Communication from Supervisor Buckley re: Would like Mr. Miller from the Airport to come to Public Safety Committee and give an update on funding for the Sheriff' Deputy to be stationed at the Airport. *Held for one month.***

Buckley stated that a tour had been held earlier and he asked if anyone had any questions that should be handled in closed session and nobody did. Buckley wished it be noted that as the author of this communication he did believe the airport was someplace that we need to be sure that we do not have any liability to the County and he felt we are in need of law enforcement presence at the airport when departures are going out.

**Motion made by Supervisor Zima, seconded by Supervisor Nicholson to receive and place on file. Vote taken. Ayes: Zima, Nicholson, Clancy, Carpenter
Nay: Buckley. MOTION CARRIED 4 – 1**

Sheriff:

3. **Sheriff's Report.**

Sheriff Gossage thanked the Committee for their support of the fraud investigators and he felt that these positions do make a difference not only in the community but also with the economic support and he felt that with that collaboration good things are being done. It is his intent to make sure that the County Board is very well educated on where they stand so that they continue to fund this program and he noted that he said early on that he is not supportive of this if the State does not supply some type of funding. He has talked with Representatives Weininger and Jacque about this and there is a bill drafted that would pay 20% of those overpayments and give back to the counties that are identifying these overpayments.

Gossage also reported that they have identified the individual who had been tearing down road signs and this person has been taken into custody. He noted that much of this has to do with the Department going on to Facebook and using social networking to obtain information. They were inundated with a lot of tips on this case and there will be a press release on this tomorrow.

Gossage continued his report by stating that they will be starting their budget process soon and Chief Deputy Delain has already met with the accountant and they are looking at ways to run another lean year and give back to the general fund.

Gossage concluded his report by saying that the State has offered to put a State probation agent right within the jail. This will be beneficial for the County in that that individual will be able to meet out the probation holds that are in the jail and taking up a lot of space. They will be able to interview them and process them in a timely manner as opposed to in the past where each individual agent would come in and have to interview an inmate. This will streamline the process and this process is currently being used in Dane, Milwaukee, Kenosha and Racine counties. This will save the County some money in that we will not have the probation inmates in the jail.

Nicholson asked what it would take or who would have to be contacted to get the ball rolling or open up communications to look at the County to ask if we need all these benefits from the federal government and State. Gossage felt that we need to get our State representatives to go to the federal level and they need to start identifying what Brown County has been doing. Gossage continued that at the recent legislative breakfast this had been pushed. He also noted that Director of Administration Brent Miller had been in Madison recently and they have gone to individual legislators and explained that they need some State funding to assist with this and this is a huge issue. Gossage stated that we have been pounding into the legislators that we need to get funding and the benefits need to be streamlined and cut back but he noted that it is federal guidelines that are dictating this. Nicholson responded that instead of growing government we should be trying to combat it which is what we have to do at this point. If we would send some of the benefits back to the federal government Nicholson felt we would see some people moving to different places if they cannot receive the benefits in Brown County. He felt that Brown County attracts a lot of transient people because of our programs. Nicholson also felt we were spending a lot of money on dealing with problems that are coming from outside the County.

Motion made by Supervisor Carpenter, seconded by Supervisor Nicholson to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

Clerk of Courts

4. 2012 Budget Shortfall.

Clerk of Courts Jason Beck, Judge Atkinson and Financial Operations Manager Neil Basten addressed the Committee. Beck stated that he had included a report regarding their budget shortfall for 2012 in the agenda packet. He stated that this shortfall is mainly attributable to the guardian ad litem (GAL) invoices.

Buckley stated the Committee found out from administration about this shortfall, despite the Committee meeting every month and court staff having the opportunity to attend meetings and keep the Committee advised. Basten stated that as of December they were still primarily under their budget. He continued that towards the end of the year they have attorneys trying to hold their income for tax purposes and then after the first of the year they send in GAL invoices. Basten continued that they have never had that kind of a turnout

of invoices before. They started looking into some of the deposits that were made for GALs and contacting attorneys and the flood gates opened.

Beck said he understood the Committee's concern about not being made aware of this shortfall sooner and he felt that some of the problem was that it was not until December or January that they knew the GAL bills were accumulating and it was changing on a weekly basis. He did not know what the appropriate procedure was but stated that he can begin attending these meetings monthly to give updates if the Committee would desire or, alternatively, he could send in a memo to the Committee to keep them advised. Beck continued that this really did not stop until a few weeks ago when Admin said they were stopping taking the current bills and applying them to last year. Basten stated that he does not have a way to track when the order is given for a GAL assigned versus the actual payment voucher but he urged the Committee to keep in mind that cases can take a year or more to settle. Basten continued that they are talking to some other counties to see how they handle this type of thing and are also looking at asking GALs to provide progress billing in addition to looking at raising deposits the parties are to make. He continued that the expense is high this year, but most of this money they have to go back and collect and hopefully this will be reflected in increased revenues in 2013. Parties have 180 days to pay back to the Clerk of Courts and if they do not pay it gets turned over to the State for tax intercept and a civil judgment will be issued and then this will be forwarded to collections. Payment plans are set up and sometimes they make deals with parties similar to what would be done by a collection agency.

Buckley asked if there is a specific time period a GAL has to submit a bill. Basten stated there is not a time limit and this is one of the things they are looking to change. A committee has been formed to look at giving the GALs a 30 – 60 day timeframe to submit their bills. He would like to see a policy that if the billing is not done in that time frame the GAL would be limited to receiving whatever deposit remains in the GAL account and if no deposits were made the attorney would not get paid anything however this would have to be approved by the judges.

Buckley questioned why they were not able to track when the cases are done and it was stated that the Clerk's office usually does not know a case is done until they get an invoice signed by a judge. Judge Atkinson provided an example that if a divorce case starts in February, and the judge appoints a GAL because there are kids involved sometimes the parties can fight about the kids until November and the GALs do not send in bills when there is a guaranteed amount to pay them. They do not bill at all until the case is done in November in this example. Some GALs do not want that income taxable in 2012 so they wait until January to send in their bill. Judge Atkinson stated that a number of cases fell under this scenario to get to the current situation. Judge Atkinson continued that the idea of monthly progress billing had been brought up and he would like to start this as a requirement but noted that there are some months when a GAL would do little work on a case and other months when a great deal of work was done, but this would at least give some sort of idea of where they are on a case.

Buckley did not feel it would be difficult to mandate monthly billing from the GALs. Judge Atkinson responded that that would be their preferred plan. They were not aware that GALs were holding bills until after the end of the year. Now that they are aware of this situation

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they intend to put a policy in place to deal with this and Atkinson felt the other judges would be agreeable to this as well.

Zima asked what the difference would be if a GAL billed monthly as opposed to billing after six months if it is all going to come out in the wash. He is trying to understand what the problem is. Basten stated that monthly billings would serve as a budgeting tool but stated that he is not personally in favor of monthly billing as he felt it would result in a lot of confusion, however, if this is how it proceeds they will obviously figure out a system in the office to handle it.

Beck stated that many of the GALs are from single attorney practices and are not very good at billing. Beck felt this problem could be prevented in the future by requiring monthly progress reports on a periodic basis so they could tell if so much money was outstanding it could be worked into the budget. Buckley questioned if they felt there was still bills that lingered over 2012 and will be carried over to 2013. Basten responded that of the invoices he reviewed earlier in the week probably $\frac{3}{4}$ of the work was done in 2012.

Zima suggested since budgeting is done in the August or September timeframe, a policy be set that all GALs be current in their billing by August 1. Beck stated that this would be similar to requiring progress reports in that they may not be current in their billing, but they would at least have an idea of what is outstanding for budget purposes.

Buckley suggested that Beck, Basten and the judges and anyone else involved meet and work with Administration to come up with a procedure to handle this problem and then come back to the Committee with an update. Buckley reiterated that as the oversight committee hearing about this from Administration is not the way this should have been handled. Beck apologized for this.

Judge Atkinson stated that the GAL issue is not the only reason there is a budget shortfall. He stated that the Board was given some bad numbers and they were overly optimistic as to what the revenues would be and under estimated what the GAL fees would be. He acknowledged that they did not do a good job with their budget. Judge Atkinson stated that they caused the problem and then the attorneys not sending in their GAL bills timely really spotlighted the problem but he felt that the problem really began with a bad budget. Zima stated that a budget is an estimate and acknowledged that there were some things that could not be controlled and Judge Atkinson agreed.

Miller said he had spoken to several other counties who are seeing similar trends with regard to GALs. One county explained that a lot of attorneys are very leery of how the affordable care act and Obamacare will affect them as to some of the new tax rates going into effect. This is not a problem isolated to Brown County.

Beck stated that they have not had this problem in the past and they will work to put policies in place to prevent it from happening again. Judge Atkinson indicated that this is his first budget year and his learning curve is high and he will get this under control so they do not have to come back again next year in this situation.

Clancy asked if there was revenue coming in to pay these fees. Judge Atkinson stated that parties are ordered to pay the fees back, but with the poor economy, over the last couple of

years less people are paying these fees back. Some judges are more aggressive than others in trying to recover these funds. Clancy stated that it appears the Judge is going on the premise that we will spend x amount of dollars and get x amount of dollars back but the amount they should be getting back does not always come in. Judge Atkinson stated that they were overly optimistic in the amount they felt would come back in and in the future they will attempt to be more accurate and less optimistic as to how to collect from these people.

Buckley asked if it was the Clerk's responsibility or the Judge's responsibility to collect these fees. Judge Atkinson stated that the judges are supposed to collect deposits from the people and are supposed to have each party kick in money. And then the judges are supposed to know if they need to collect additional funds to cover the GAL fees and if they need more, they need to tell them to kick in more. Some do not ask for additional funds and then when the case is over the bill far exceeds the deposit on hand.

Motion made by Supervisor Carpenter, seconded by Supervisor Nicholson to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

Public Safety Communications – Emergency Management

- 5. Budget Adjustment Request (13-20) Category 5: Increase in expenses with offsetting increase in revenue.**

This budget adjustment is to plan and conduct a hazardous materials transportation incident tabletop exercise that includes participants from multiple jurisdictions in the Brown County area, and emergency responders from the law enforcement, fire, EMS and hazardous materials disciplines.

Motion made by Supervisor Carpenter, seconded by Supervisor Nicholson to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

- 6. Interim Director's Report.**

Interim Director Cullen Peltier provided the Committee with a Director's Report, a copy of which is attached. He outlined the items contained in the report and stated that the radio project is moving along and there have not been any changes to the schedule at this point. They have done their subscriber and infrastructure training a few weeks ago and the dispatchers have been trained. They will be conducting in-building tests throughout the County on April 9 and 10 and they are looking to cut over to the new system in the May – June time frame.

With regard to staffing, there are currently five positions open and offer letters have gone out and been accepted on these positions and these positions will be starting on April 17. At that point the department will be fully staffed but not fully trained. The Communications Manager position was eliminated as of March 29, 2013. Peltier continued his report by stating that Ashwaubenon will move to Zone Dispatching by the end of April. Additionally, 20 people attended weather spotter training in Suamico. He also reported that the Hobart/Oneida dispatch issue has been resolved and was implemented as of April 2. Buckley asked if this has been reduced to writing and Peltier stated that it had been and Buckley asked if he could provide a copy of the same by e-mail to Supervisor Landwehr,

Supervisor Carpenter and himself. Peltier stated he would do this. His department has also begun the initial planning for the 2013 Tall Ships Festival which will be held at Leicht Park on August 16 – 18, 2012. Peltier also stated that the annual National Telecommunicator's Week Ceremony will be held on Wednesday, April 17 at 4:00 p.m. and he hoped the Committee could join them for the ceremony which will be held at the Emergency Operations Center. Peltier concluded his report by stating that the next meeting of the Public Safety Advisory Board will be held on April 24 at 10:00 a.m.

With regard to the Communications Manager position that was eliminated, Supervisor Carpenter asked if that individual was transferred to another position. Peltier responded that as of this time he did not believe so.

Clancy had a question with regard to the tower in the Town of Holland and that was what the radius was of the range the tower could cover. Peltier stated that all towers work simultaneously and the coverage test for the system has been done and was at 96 percent coverage and he noted that 95 percent coverage was what was written into the specifications.

Motion made by Supervisor Zima, seconded by Supervisor Nicholson to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

District Attorney

7. **Resolution requesting the Brown County Board of Supervisors contract for an Assistant District Attorney Position and a support staff position for one year. *Motions at March Mtg: To hire an Assistant District Attorney position and support staff position with evaluation after one year or before the budget process. to amend the above motion requesting that the District Attorney's Office work with the Department of Administration and bring back a report at the April meeting of this committee which will give options including financials to either hire an Assistant DA and support staff, or contract for these positions to facilitate with the backlog in the DA's office. In addition the report should include the cost of additional equipment, all not to exceed \$150,000.***

District Attorney David Lasee and Assistant District Attorney Dana Johnson addressed the Committee. Lasee stated that what he had been charged with was to come back to the Committee and make a suggestion as to what he thought the best way to use the resources would be with a \$150,000 cap. He has worked with Administration regarding how they could hire employees at a contract rate and he felt that if this would be possible that would be the best way to go. Lasee felt they could hire a qualified contract attorney at the rate of \$25.00 per hour and stated that this is a very favorable market for attorneys and they currently have some young attorneys in their office volunteering and he would like to choose from that pool as both of them are very good attorneys. The contract rate of \$25.00 per hour would equate to about \$52,000 per year and there would not be any benefits associated with that rate. They would also intend to bring on a Legal Assistant II to assist the contract attorney as it would not be feasible to bring on an attorney without bringing on an assistant to help them. The cost for a Legal Assistant II would be \$17.62 per hour which would equate to about \$36,000 annually. This would also be a contract position without benefits and both of these positions would be limited term. It is anticipated the positions

will end when funding ends. These are not positions that would go on the table of organization.

Lasee continued that there would also be some equipment issues that they would like to see addressed which amount to between \$16,000 - \$17,000. This equipment would be very beneficial in terms of moving production along more quickly. The largest portion of the equipment would be the Dragon Net dictation software. Lasee indicated that the DTF is currently using that software and they like it although there is a learning curve associated with it but once they have it down it would be very helpful to the staff and make them a lot more efficient. Lasee stated he felt the software would cost in the area of \$10,500. This would be a short term investment that will have long term benefits for the department. The \$10,500 includes the software and the hardware as well as the licensing. There would be some ongoing maintenance costs associated with the software in that it would have to be updated every second generation but this would be at a far reduced rate compared to the initial licensing fees. They would also need work stations and computers for the contract positions and they also are in need of some disc burners. The total of all of this equipment would be \$16,679. This would include computers and work stations.

With regard to the requested CD burners, Lasee stated that his staff spends a large amount of time burning DVDs of information they receive from law enforcement to provide to the defense. He stated in the last several weeks they have had several disc burners go down from overuse. Buckley asked if disc burners would be the way to go or if thumb drives would be better. Lasee stated that eventually they may go to thumb drives, but at this time he felt DVDs better serve the defense and the disc burners are the way to go although he would be willing to look into the thumb drives if the Committee desired. IS Director David Hjalmsquist also stated that he would be concerned with thumb drives in that they could be misplaced or dropped and he felt that from a CD burner perspective, if the right type was purchased, you can stack a number of CDs at the same time and this would be more efficient than copying to one thumb drive at a time.

Lasee stated that ultimately with the \$150,000 figure they could be very close to having a full time attorney at a contract rate and a full time staff person through the end of 2014. Lasee calculated the costs for the remainder of 2013 to be roughly \$50,000 and then about \$85,000 for the full year of 2014 for the attorney and the legal assistant and with the equipment added to that the figures comes in at \$157,054 if the positions were to begin June 1, 2013 and carry over to December 31, 2014.

Buckley questioned the cost of the equipment and dictation software and Lasee stated it was about \$16,700. Lasee also confirmed that the figure for the attorney and the legal assistant for one year was \$88,659. For the seven months remaining in 2013 after this staff is hired the cost would be \$51,716 and the equipment is listed at \$16,679 for a total of \$157,054. Lasee stated that if the \$150,000 was hard and fast as opposed to the \$157,054 they would end the positions in the first part of December rather than the end of December and save a month's worth of costs. Buckley felt that some of the equipment costs may be able to come from the 2014 budget.

Zima asked if there would be any funding available from the asset forfeiture account that could be used to purchase the equipment. Lasee stated that those funds cannot be used by the DA's office and forfeitures are specifically designated by statute.

Zima felt that the numbers given by Lasee need to be put in a whereas in the resolution. He felt the County Board was a little rough and tumble with this at the last meeting and he felt it was important to put the figures on the record and further, he had no problem with the \$157,054 figure. He felt that if it is written in that it is for 2013 and 2014 to ensure a flow of prosecution would be a good way for the Board to accept this.

Lasee stated that their current drug backlog consists of 584 cases and Zima felt it would be important for that figure to be included in a whereas clause in the resolution and also add a breakdown of what the funds will pay for. Zima felt this resolution should be amended now rather than sending it back to staff so that it could be brought up at the next County Board meeting. Nicholson agreed that this should be amended at this time. Buckley would like to make sure that it is accurately spelled out to alleviate any questions at the Board level. Hjalmsquist also stated that it would be helpful to have this resolution amended sooner rather than later so that by the timeline of June 1 Hjalmsquist can have the software ready to go so they can hit the ground running. Carpenter is in support of this but wondered if this should be amended by Corp. Counsel to be sure this is done appropriately and a special meeting could then be held prior to County Board. It was decided by the Committee to make the appropriate amendments at this time. Lasee stated that the attorney position will be listed at an annual salary of \$52,000 so that they do not have to stick with 40 hours a week.

Motion made by Supervisor Zima, seconded by Supervisor Nicholson to amend the second whereas to read 584 referrals backlogged. No vote taken.

Motion made by Supervisor Zima, seconded by Supervisor Nicholson to delete the second whereas and change the now-second (previously third) whereas to replace 1000 charges with 584 referrals, delete the third whereas (previously fourth) and amend the last whereas to read as follows: Whereas, the District Attorney has provided a budget as follows: \$78,000 for a contracted attorney, \$54,988.50 for a Legal Assistant II and \$16,679 for necessary equipment to be used by December 31, 2014 or until funding runs out. Vote taken. MOTION CARRIED UNANIMOUSLY

Medical Examiner

8. 2013 Brown County Medical Examiner Activity Spreadsheet.

Buckley asked the recording secretary to ask the Medical Examiner to attend the next Public Safety meeting.

Motion made by Supervisor Carpenter, seconded by Supervisor Nicholson to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

Closed Session:

- 9. Convene in Closed Session to discuss and assess Brown County's Austin Straubel International Airport TSA Security Plan. Pursuant to §19.85(1)(d), any meeting of a governmental body may be convened in closed session for purposes of considering specific applications of probation, extended supervision or parole, or considering strategy for crime detection or prevention. Additionally, under §19.85(1)(f), any meeting of a governmental body may be convened in closed session for purposes of considering**

financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations.

No closed session was held.

Circuit Courts, Commissioners, Probate - No agenda items.

10. Audit of bills.

**Motion made by Supervisor Zima, seconded by Supervisor Clancy to pay bills. Vote taken.
MOTION CARRIED UNANIMOUSLY**

11. Such other matters as authorized by law.

None.

12. Adjourn.

Motion made by Supervisor Clancy, seconded by Supervisor Nicholson to adjourn at 7:16 p.m. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Therese Giannunzio
Recording Secretary

III

**PROCEEDINGS OF THE BROWN COUNTY
CRIMINAL JUSTICE COORDINATING BOARD**

Pursuant to Section 19.84 Wisconsin Statutes, a regular meeting of the Brown County Criminal Justice Coordinating Board was held on Tuesday, February 26, 2013 in Room 200 of the Northern Building, 305 E. Walnut Street, Green Bay, Wisconsin.

Present: Troy Streckenbach, John Gossage, Larry Malcomson, Jason Beck, Mary Kerrigan-Mares, Brian Shoup, Pat Evans, Tom Sieber
Citizen Reps: Tim Mc Nulty

1. **Call Meeting to Order.**

The meeting was called to order by Pat Evans at 3:32 p.m.

2. **Approve/Modify Agenda.**

Motion made by John Gossage, seconded by Tim Mc Nulty to modify to remove Item 5 from the Agenda. Vote taken. MOTION CARRIED UNANIMOUSLY

3. **Approve/Modify Minutes of November 27, 2012.**

Motion made by Brian Shoup, seconded by Jason Beck to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

4. **Plan Board Membership.**

A discussion was held regarding Board membership. This goes back to what was examined at the last meeting and it was noted that there are some people on the Board who do not regularly attend meetings. State Statutes designate the individuals who are responsible for sitting on this Board. The citizen reps are typically recommended by the County Executive. Brian Shoup recalled that there had also been previous conversations regarding Board members being able to send alternates or designees in their place. Troy Streckenbach also recalled this and stated he had forwarded something to Judge Kelley that the elected officials or those named to sit on the Board can name designees to attend in their stead if necessary. Streckenbach also stated that the County Executive is to appoint the citizen reps and he felt that each current citizen rep should be contacted and asked to either appoint designees or start attending meetings. Streckenbach felt there was a general concern as to what the purpose of the meetings are and Judge Kelley is questioning whether or not this Board should continue to meet and exist. If meetings are continued it would be important for those on the board to show up for the meetings so that meaningful dialogue can result. Streckenbach stated he would contact Judge Kelley and go through the list and adjust individuals on the list as necessary and make some calls and urge participation. Evans noted that the citizen reps are the only members of the Board that have a specific term and everyone else is ex-officio. It was noted that two citizen reps have expired and therefore two will need to be appointed. Gossage stated he would contact the Green Bay Police Chief as well as the Chair of the Public Safety committee, Pat Buckley, and advise them that they are supposed to be attending these meetings. Board members were urged to contact County Executive Streckenbach with any suggestions they may have for citizen reps.

Motion made by Jason Beck, seconded by Troy Streckenbach to hold until next meeting. Vote taken. MOTION CARRIED UNANIMOUSLY

5. **Mental Health Court (Judge Zuidmulder).**

This Item was removed from the Agenda; see Item 2 above.

6. **Agenda for Upcoming Meetings – Potential Areas of Focus:**

- a. **Jail Population Update.**
- b. **Reducing Jail Population.**

Items 6 a & b were taken together.

It was noted that the jail is currently at 85% capacity which is an optimal figure and allows one pod to remain closed. There are also 75 people currently on the electronic monitoring program and 28 on the SCRAM which is the alcohol monitoring ankle device. This is an independent device that monitors the transdermal emission of any alcohol. It is extremely accurate and is essentially fool proof. Gossage also wished to mention with regard to the EMP program that the Governor set aside \$3 million dollars for people who violate TRO's. He believed that after the TRO is served, if there is a violation the offender goes back before the Court Commission and that is when it can be adjudicated that the offender wear the bracelet and be monitored by the Sheriff's Department. This will be funded by the State and dollars have been allocated for the beta test to set up some of the Counties to see how many times this occurs. Mary Kerrigan-Mares stated that once a person violates a TRO or permanent injunction it becomes a crime. The DA's office does not get involved in the obtaining of an injunction, but once they are served and they are on notice, if they violate it, it becomes a crime. Gossage would like to know how many times this occurs because if these violators are to be supervised by the Sheriff's Department there may be additional staff needed or things of that nature. Kerrigan-Mares was asked if she knew a breakdown of in person contacts as opposed to things such as mail contact and she stated that the bulk of the offenses are in person.

Gossage stated that he had recently met with Tom Martin at Family Services with regard to the potential of a day report center and this option is still being examined. There are a few counties that currently utilize day report centers. Gossage stated that they continue to look at ways to keep the pod closed and this is being done out of necessity because when staff was eliminated years ago, the jail was at full staff and were able to operate at 100 percent efficiency. They are not currently able to do that because they do not have the staff to staff the kilo pod. The options would be to hire six corrections officers or keep it closed to keep the overtime down. Gossage's concern is that eventually with the amount of inmates coming into the jail, they will have to look at other opportunities and he would like to keep the day report center on the back burner as an option for alternative incarceration. These day report centers are typically not run by the Sheriff's Department as it is an alternative to incarceration and they are typically run by the Human Services Division. People would be sent to the day report center in lieu of incarceration and they are not considered jail inmates. They are typically set up with an appropriate program, whether it is alcohol related, drug related or some other component and they check in daily and leave. Outagamie County currently has a model program.

Streckenbach felt that a day report center was something that should be looked at further. Gossage stated that he agreed with Streckenbach and that there are some people who do not belong on EMP and there are others who will never get out on EMP based on their charges. He will not compromise public safety by putting people out on a program just to keep the numbers down. He felt this may be a great alternative, but they are finding out that they have more people on probation holds on the State level that do not meet the criteria to go on the EMP program. Gossage stated it may be difficult to get people to qualify under the current classification system. Shoup stated that he was willing to discuss this further but felt that the approach of going directly to a vendor makes a lot of sense for several reasons. For one thing,

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you would then have the flexibility to have the vendor ramp up or down without going through the County Board process. Gossage stated that in Outagamie County Family Services works directly with the Sheriff's Office. Kerrigan-Mares stated that she felt DA Lasee would be willing to look at this too as he is always interested in alternatives to incarceration. Gossage stated that this program would operate similar to the Volunteers in Probation program that used to exist. It was also indicated that a day report center would include job components such as resume writing, etc. It would depend on the contracted service that would come in as to what other components of the program there would be.

Motion made by Jason Beck, seconded by Troy Streckenbach to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

Motion made by Troy Streckenbach, seconded by Pat Evans for the Sheriff's Department, Human Services Department and District Attorney to explore the possibility of a day report center and report back with update. Vote taken. MOTION CARRIED UNANIMOUSLY

c. Specialty Courts (Drug Court, Veterans Treatment Court and future Courts).

Troy Streckenbach mentioned that there has been a request to find mentors for treatment courts, particularly veterans, to help with the participants. Shoup also mentioned that a LEAN event had been held looking for efficiencies in treatment courts which included a report out as well as an action plan to be followed up on. Shoup also commented on specialty courts and stated he felt there would be a struggle to administer these courts if the mental health court comes to fruition. The drug court coordinator is already helping out with the veterans court and although Shoup did not know where the mental health court discussion is at this time, he would be concerned that if treatment courts are expanded costs would be entailed. Shoup felt the concept of a mental health court is a little more elusive than the drug court and veterans treatment court and he felt this could be a challenge.

Motion made by Brian Shoup, seconded by Troy Streckenbach to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

7. Adjourn.

Motion made by Brian Shoup, seconded by Troy Streckenbach to adjourn at 4:09 p.m. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Therese Giannunzio
Recording Secretary



PROCEEDINGS OF THE BROWN COUNTY FIRE INVESTIGATION TASK FORCE

BOARD OF DIRECTORS

A meeting of the Board of Directors of the Brown County Fire Investigation Task Force was held on December 27, 2012, at 9:00 a.m., at the Allouez Fire Department, 135 Dauphin St., Green Bay, WI. (The meeting was rescheduled from December 20, 2012, due to a snowstorm.)

Present: Larry Wilson, Kevin Tielens, Cullen Peltier, Ed Janke, Robert Kiser, Todd Thomas, Eric Dunning, Thomas Vandenack, Larry Mours, Todd Delain, Mike Nieft, Brad Muller

Excused: Rick Davidson, John Gossage

Absent: David Lasee, Derek Beiderwieden, Neil Cameron, Nick Craig, Kevin Heimerl

Item #1. Adoption of Agenda.

Motion was made by Tielens and seconded by Vandenack to adopt the agenda. **Motion carried.**

Item #2. Review Minutes of Meeting of October 2, 2012.

Motion was made by Nieft and seconded by Dunning to approve the minutes from the last meeting. **Motion carried.**

Item #3. Report of Monthly Activities of the Fire Investigation Unit.

Muller reported that the fire investigation unit was called out to the following fires since the last meeting:

10-14-12 1758 Edison St., Green Bay (apartment/fatal/undetermined)
10-20-12 416 N. Chestnut Ave., Green Bay (undetermined)
12-17-12 4931 Humboldt Rd., Humboldt (vehicle/under investigation)

Item #4. Report of General Membership President.

Muller reported that three members attended the fall IAAI conferece. At the last General Membership meeting, plaques were given to retirees Glenn Deviley and Dave Seidl for their service on the Task Force.

Muller stated that Brad Neville sent a letter to all agencies requesting money for a new truck and received responses from the Greenleaf and Pulaski fire departments. Pulaski wants to hold a 9-pin tournament with the proceeds going toward the new truck. Muller suggested to them that they make a pledge. Wilson suggested getting someone involved from the community who deals with fundraising. It was noted that we need to address long-term issues and expenses associated with a truck and that we need to get the Public Safety Committee on board.

Item #5. Old Business.

A. Dispositions of Case Proceedings.

Muller reported that Chaka Gilson and Devon Johnson were sentenced in connection with arsons to two multi-family residences and a vehicle last April in Green Bay.

B. Review and Approve Bylaws and Operating Guidelines.

Kiser commended everyone for their time and effort in getting the Bylaws and Operating Guidelines updated.

Motion was made by Janke and seconded by Muller to approve the revised Bylaws. **Motion carried.**

Delain suggested that the last two sentences in Article IV—Investigations/Procedures, Section E, #10, of the Operating Guidelines be revised to read that upon completion of the report, a complete final copy shall be forwarded to the police or fire department with jurisdiction within a reasonable amount of time. Motion was made by Janke and seconded by Vandenack to amend this as stated. **Motion carried.**

Delain also suggested that Section B be added to Article VII—Compensation of the Operating Guidelines to read that all compensation requests must be submitted to the Sheriff's Office within thirty (30) days of the time accrued. Motion was made by Vandenack and seconded by Muller to amend this as stated. **Motion carried.**

Item #6. New Business.

Discussion on a new vehicle to be put on the agenda for the next Board meeting.

Item #7. Report of Juvenile Firesetter Program Coordinator.

Nick Craig was not present.

Item #8. Other Matters.

No other matters were discussed.

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December 27, 2012
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Item #9. Set Date, Time, and Location of Next Meeting.

The next meeting was set for March 21, 2013, at 9:00 a.m., at the Brown County Sheriff's Office, 2684 Development Drive, Green Bay, WI.

Item #10. Adjourn.

Motion was made by Vandenack and seconded by Delain to adjourn the meeting. **Motion carried.**

Respectfully submitted,

Marsha Laurent
Recording Secretary

2013 Brown County Medical Examiner Activity Spreadsheet

*Pending

	Investigations	Autopsy	External	Cremations	Hospice	Suicides	Homicides	Accidents	Natural	Undet	Pending
January	106	2	10	122	49	5	0	11	90	0	6
February	79	5	3	64	40	1	0	16	62	0	5
March	84	2	5	84	48	4	0	8	71	0	0
April	63	1	6	50	34	5	0	5	53	0	0
May											
June											
July											
August											
September											
October											
November											
December											
Totals	332	10	24	320	171	15	0	40	276	0	11

<u>Previous Years</u>											
End of April 2012	89	13	24	369	172	11	4	40	273	0	0
End of April 2011	74	18	14	296	146	12	1	22	178	0	0

<u>Previous Years</u>											
2012 Totals	979	31	45	1021	562	34	7	97	837	1	0
2011 Totals	918	40	44	915	518	27	3	54	834	4	0

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BUDGET ADJUSTMENT REQUEST

<u>Adjustment</u>	<u>Description</u>	<u>Approval Level</u>
<input type="checkbox"/> Category 1	Reallocation from one account to another <u>within</u> the major budget classifications.	Department Head
<input type="checkbox"/> Category 2		
<input type="checkbox"/> a.	Change in Outlay not requiring the reallocation of funds from another major budget classification.	County Executive
<input type="checkbox"/> b.	Change in any item within Outlay account which requires the reallocation of funds from any other major budget classification or the reallocation of Outlay funds to another major budget classification.	County Board
<input checked="" type="checkbox"/> Category 3		
<input type="checkbox"/> a.	Reallocation between budget classifications other than 2b or 3b adjustments.	County Executive
<input checked="" type="checkbox"/> b.	Reallocation of personnel services and fringe benefits to another major budget classification except contracted services, or reallocation to personnel services and fringe benefits from another major budget classification except contracted services.	County Board
<input type="checkbox"/> Category 4	Interdepartmental reallocation or adjustment (including reallocation from the County's General Fund)	County Board
<input type="checkbox"/> Category 5	Increase in expenses with offsetting increase in revenue	County Board

Increase	Decrease	Account #	Account Title	Amount
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.010.006.5395	Equipment non-outlay	1,150
<input type="checkbox"/>	<input checked="" type="checkbox"/>	100.010.006.5100	Regular earnings	1,150
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			

Narrative Justification:

This is a request to reallocate vacancy savings to equipment nonoutlay for a new workstation in the Probate office. The previous desk used was determined unsalvageable and no other desk was available through Facilities.

		AUTHORIZATIONS	
 Signature of Department Head		 Signature of Executive	
Department: <u>Register in Probate</u>	Date: <u>4/9/13</u>	Date: <u>4/9/13</u>	

**Brown County
Sheriff
Budget Status Report**

	Amended Annual Budget	YTD Actual	% Used/ Received
Personnel	19,090,771	4,425,702	23.2%
Fringe benefits	8,908,715	2,170,979	24.4%
Employee costs	124,190	61,869	49.8%
Operations & maintenance	1,454,761	326,925	22.5%
Insurance costs	34,000	5,860	17.2%
Utilities	751,500	164,051	21.8%
Chargebacks	2,353,188	586,652	24.9%
Contracted services	3,120,668	852,170	27.3%
Other	17,500	-	0.0%
Outlay	269,739	16,829	6.2%
Transfer out	-	-	
Property Taxes	27,686,068	6,921,517	25.0%
Intergovernmental	545,200	150,535	27.6%
Fines and Forfeitures	4,250	850	20.0%
Charges for sales & services	1,916,650	392,777	20.5%
Intergovt. Charges for services	5,423,598	1,250,089	23.0%
Miscellaneous Revenue	42,500	11,516	27.1%
Contributions	215,032	5,275	2.5%
Transfer In	106,784	46,784	43.8%

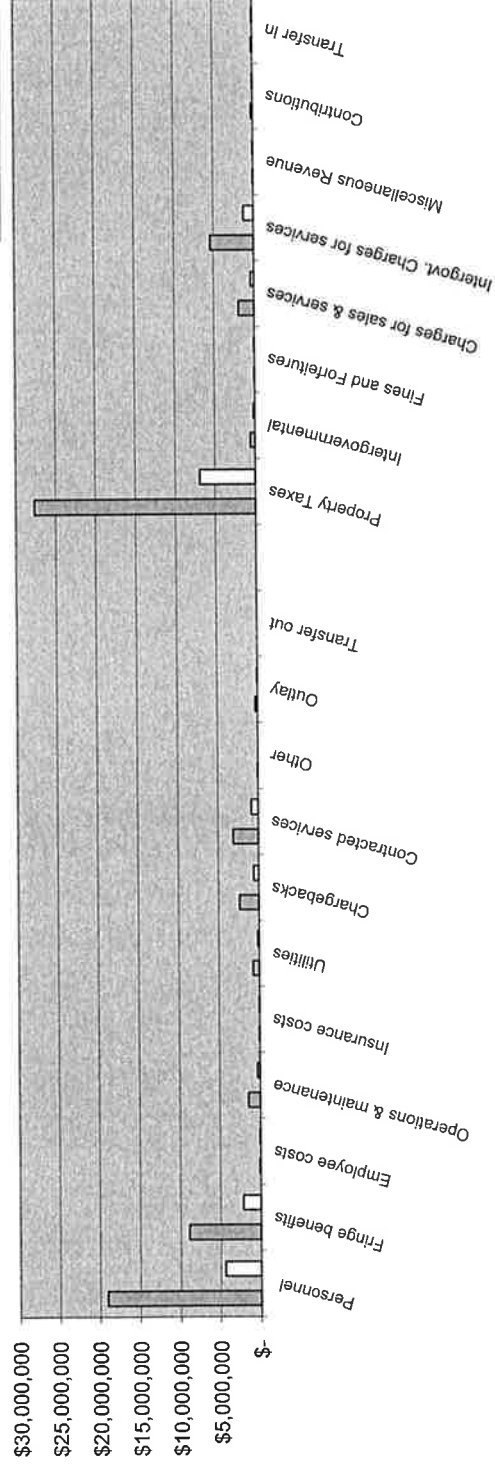
HIGHLIGHTS:

Expenses: Overall expenses through March are at 24% of total budget. Overtime is only at 14% of budget but is expected to increase as overtime patrols increase in the summer months.

Revenues: Overall revenues through March are at 24% of total budget. Inmate fees are running under budget while revenues for boarding federal and juvenile inmates is running ahead of budget.

Sheriff - March, 2013

Amended Annual Budget YTD Actual





Sheriff's Office Budget Performance Report

Fiscal Year to Date 03/31/13
Exclude Rollup Account

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year Total
Fund 100 - GF										
REVENUE										
<i>Property taxes</i>										
4100	General property taxes	27,686,068.00	.00	27,686,068.00	2,307,172.34	.00	6,921,517.02	20,764,550.98	25	27,491,283.12
	<i>Property taxes Totals</i>	\$27,686,068.00	\$0.00	\$27,686,068.00	\$2,307,172.34	\$0.00	\$6,921,517.02	\$20,764,550.98	25%	\$27,491,283.12
<i>Intergovernmental</i>										
4301	Federal grant revenue	324,891.00	64,759.00	389,650.00	20,515.74	.00	48,234.49	341,415.51	12	569,321.44
4301.100	Federal grant revenue Stimulus	.00	.00	.00	.00	.00	.00	.00	+++	124,324.65
4301.101	Federal grant revenue Stimulus secondary	.00	.00	.00	.00	.00	.00	.00	+++	26,568.00
4302	State grant and aid revenue	155,550.00	.00	155,550.00	(13,185.50)	.00	102,300.50	53,249.50	66	171,343.43
	<i>Intergovernmental Totals</i>	\$480,441.00	\$64,759.00	\$545,200.00	\$7,330.24	\$0.00	\$150,534.99	\$394,665.01	28%	\$891,557.52
<i>Fines and forfeitures</i>										
4501	Parking violations	2,750.00	.00	2,750.00	160.00	.00	575.00	2,175.00	21	3,202.72
4502	Other law/ordinance violations	1,500.00	.00	1,500.00	.00	.00	275.00	1,225.00	18	2,425.00
	<i>Fines and forfeitures Totals</i>	\$4,250.00	\$0.00	\$4,250.00	\$160.00	\$0.00	\$850.00	\$3,400.00	20%	\$5,627.72
<i>Charges for sales and services</i>										
4600.410	Charges and fees Warrant	13,000.00	.00	13,000.00	845.47	.00	2,096.18	10,903.82	16	13,129.41
4600.414	Charges and fees Sheriff services	135,000.00	.00	135,000.00	8,203.77	.00	11,654.62	123,345.38	9	172,716.89
4600.415	Charges and fees Inspection of used vehicles	1,200.00	.00	1,200.00	120.00	.00	480.00	720.00	40	3,300.00
4600.420	Charges and fees Inmate daily	210,000.00	.00	210,000.00	11,378.63	.00	34,266.34	175,733.66	16	204,676.13
4600.421	Charges and fees Inmate processing	140,000.00	.00	140,000.00	5,991.63	.00	15,173.99	124,826.01	11	133,927.76
4600.422	Charges and fees Inmate medical	13,000.00	.00	13,000.00	1,326.84	.00	3,544.42	9,455.58	27	14,128.03
4600.430	Charges and fees Electronic monitoring program	513,700.00	.00	513,700.00	41,774.78	.00	114,361.13	399,338.87	22	447,461.86
4600.435	Charges and fees Huber prisoners	219,000.00	.00	219,000.00	17,239.44	.00	49,409.16	169,590.84	23	216,895.88
4600.603	Charges and fees Paper service	260,000.00	.00	260,000.00	16,804.50	.00	52,534.55	207,465.45	20	255,942.65
4601.012	Sales Copy machine use	11,750.00	.00	11,750.00	1,056.46	.00	3,538.86	8,211.14	30	10,803.03
4601.440	Sales Phone commissions	400,000.00	.00	400,000.00	36,358.79	.00	105,717.58	294,282.42	26	435,905.45
	<i>Charges for sales and services Totals</i>	\$1,916,650.00	\$0.00	\$1,916,650.00	\$141,100.31	\$0.00	\$392,776.83	\$1,523,873.17	20%	\$1,908,887.09
<i>Intergovernmental charges for services</i>										
4700.411	Intergovt charges Prisoner board - federal	403,325.00	.00	403,325.00	45,630.00	.00	143,390.00	259,935.00	36	573,525.00
4700.413	Intergovt charges Prisoner board - other counties	.00	.00	.00	.00	.00	.00	.00	+++	8,000.00
4700.423	Intergovt charges Municipal jail	200,000.00	.00	200,000.00	18,880.00	.00	48,760.00	151,240.00	24	205,320.00
4700.438	Intergovt charges Juvenile detention	35,000.00	.00	35,000.00	11,760.00	.00	37,240.00	(2,240.00)	106	70,440.00
4700.450	Intergovt charges Sheriff services	19,500.00	.00	19,500.00	1,274.33	.00	2,656.13	16,843.87	14	18,632.44
4700.453	Intergovt charges Police services	4,084,173.00	.00	4,084,173.00	339,068.45	.00	1,018,043.35	3,066,129.65	25	3,999,118.56
4700.454	Intergovt charges DNA sample	5,000.00	.00	5,000.00	.00	.00	.00	5,000.00	0	4,680.00
4700.455	Intergovt charges Probation/parole	450,000.00	.00	450,000.00	.00	.00	.00	450,000.00	0	441,491.76

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Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	Encumbrances	YTD	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year Total
4700.456	Intergovt charges School Liaison	226,600.00	.00	226,600.00	.00	.00	.00	.00	226,600.00	0	226,599.63
	Intergovernmental charges for services Totals	\$5,423,598.00	\$0.00	\$5,423,598.00	\$416,612.78		\$0.00	\$1,250,089.48	\$4,173,508.52	23%	\$5,547,807.39
	Charges to county departments										
4800	Intra-county charge	184,950.00	.00	184,950.00	20,023.95		.00	47,148.20	137,801.80	25	112,984.95
	Charges to county departments Totals	\$184,950.00	\$0.00	\$184,950.00	\$20,023.95		\$0.00	\$47,148.20	\$137,801.80	25%	\$112,984.95
	Miscellaneous revenue										
4900	Miscellaneous	35,500.00	.00	35,500.00	3,855.20		.00	10,300.64	25,199.36	29	41,826.41
4950	Insurance recoveries	.00	.00	.00	115.21		.00	115.21	(115.21)	+++	22,140.87
	Miscellaneous revenue Totals	\$35,500.00	\$0.00	\$35,500.00	\$3,970.41		\$0.00	\$10,415.85	\$25,084.15	29%	\$63,967.28
	Contributions										
4901	Donations	.00	.00	.00	.00		.00	.00	.00	+++	8,671.10
	Contributions Totals	\$0.00	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	+++	\$8,671.10
	Interest & investment earnings										
4905	Interest	.00	.00	.00	.00		.00	.00	.00	+++	37.74
	Interest & investment earnings Totals	\$0.00	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	+++	\$37.74
	Transfer in										
9000	Carryover	.00	46,784.00	46,784.00	46,784.00		.00	46,784.00	.00	100	.00
9002	Transfer in	.00	.00	.00	.00		.00	.00	.00	+++	24,596.00
9002.200	Transfer in HR	.00	.00	.00	.00		.00	.00	.00	+++	194,023.00
9004	Intrafund Transfer In	60,000.00	.00	60,000.00	.00		.00	.00	60,000.00	0	90,381.00
	Transfer in Totals	\$60,000.00	\$46,784.00	\$106,784.00	\$46,784.00		\$0.00	\$46,784.00	\$60,000.00	44%	\$309,000.00
	REVENUE TOTALS	\$35,791,457.00	\$111,543.00	\$35,903,000.00	\$2,943,154.03		\$0.00	\$8,820,116.37	\$27,082,883.63	25%	\$36,339,823.91
	EXPENSE										
	Personnel services										
5100	Regular earnings	17,419,269.00	.00	17,419,269.00	1,470,791.57		.00	3,554,425.85	13,864,843.15	20	14,602,482.61
5102.100	Paid leave earnings Paid Leave	.00	.00	.00	245,076.14		.00	387,057.11	(387,057.11)	+++	2,739,026.32
5102.200	Paid leave earnings Personal	.00	.00	.00	12,091.98		.00	31,037.25	(31,037.25)	+++	5,008.58
5102.300	Paid leave earnings Casual	.00	.00	.00	13,039.30		.00	29,155.22	(29,155.22)	+++	155,359.09
5102.400	Paid leave earnings Sick	.00	.00	.00	13,846.00		.00	23,478.02	(23,478.02)	+++	566.02
5102.500	Paid leave earnings Holiday	.00	.00	.00	8,456.36		.00	29,173.28	(29,173.28)	+++	106,367.24
5102.600	Paid leave earnings Other (funeral, jury duty, etc)	.00	.00	.00	3,124.83		.00	8,106.32	(8,106.32)	+++	1,045.21
5103.000	Premium Overtime	1,578,401.00	4,077.00	1,582,478.00	91,600.49		.00	218,151.08	1,364,326.92	14	1,503,976.25
5103.100	Premium Comp time premium	.00	.00	.00	14,878.27		.00	38,504.04	(38,504.04)	+++	6,365.30
5103.200	Premium Shift differential	.00	.00	.00	15,093.59		.00	35,238.69	(35,238.69)	+++	4,824.85
5103.300	Premium Holiday	.00	.00	.00	27,197.63		.00	38,284.37	(38,284.37)	+++	13,380.00
5109.100	Salaries reimbursement Short term disability	(35,000.00)	.00	(35,000.00)	.00		.00	.00	(35,000.00)	0	(85,266.69)
5109.400	Salaries reimbursement Workers compensation	(10,000.00)	.00	(10,000.00)	.00		.00	.00	(10,000.00)	0	(11,178.40)
	Personnel services Totals	\$18,952,670.00	\$4,077.00	\$18,956,747.00	\$1,915,196.16		\$0.00	\$4,392,611.23	\$14,564,135.77	23%	\$19,041,956.38
	Fringe benefits and taxes										
5110.100	Fringe benefits FICA	1,396,313.00	.00	1,396,313.00	136,972.00		.00	323,605.50	1,072,707.50	23	1,404,105.87
5110.110	Fringe benefits Unemployment compensation	71,211.00	.00	71,211.00	5,934.24		.00	17,802.72	53,408.28	25	94,892.00
5110.200	Fringe benefits Health insurance	3,540,892.00	.00	3,540,892.00	336,243.58		.00	891,466.07	2,649,425.93	25	3,878,464.55
5110.210	Fringe benefits Dental Insurance	286,589.00	.00	286,589.00	25,671.19		.00	68,203.11	218,385.89	24	285,622.26
5110.220	Fringe benefits Life Insurance	35,137.00	.00	35,137.00	3,103.76		.00	5,986.56	29,150.44	17	20,590.41

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year Total
5110.230	Fringe benefits LT disability insurance	64,609.00	.00	64,609.00	4,722.15	.00	13,854.75	50,754.25	21	406.10
5110.235	Fringe benefits Disability insurance	179,179.00	.00	179,179.00	14,931.59	.00	44,794.77	134,384.23	25	216,459.99
5110.240	Fringe benefits Workers compensation insurance	234,021.00	.00	234,021.00	19,501.76	.00	58,505.28	175,515.72	25	131,693.00
5110.300	Fringe benefits Retirement	2,346,351.00	.00	2,346,351.00	237,968.03	.00	566,818.70	1,779,532.30	24	2,345,922.82
5110.310	Fringe benefits Retirement credit	691,405.00	.00	691,405.00	76,132.59	.00	163,628.11	527,776.89	24	635,027.44
	<i>Fringe benefits and taxes Totals</i>	\$8,845,707.00	\$0.00	\$8,845,707.00	\$861,180.89	\$0.00	\$2,154,665.57	\$6,691,041.43	24%	\$9,013,184.44
	<i>Employee costs</i>									
5200.300	Uniform Badges & insignia	2,500.00	.00	2,500.00	.00	.00	.00	2,500.00	0	1,966.49
5201	Training and education	3,060.00	.00	3,060.00	255.00	.00	255.00	2,805.00	8	650.00
5203.100	Employee allowance Clothing	118,630.00	.00	118,630.00	.00	.00	61,134.46	57,495.54	52	144,150.88
	<i>Employee costs Totals</i>	\$124,190.00	\$0.00	\$124,190.00	\$255.00	\$0.00	\$61,389.46	\$62,800.54	49%	\$146,767.37
	<i>Operations and maintenance</i>									
5300	Supplies	272,626.00	12,643.00	285,269.00	31,838.82	.00	66,496.61	218,772.39	23	308,636.51
5300.001	Supplies Office	28,500.00	.00	28,500.00	3,554.22	.00	8,919.41	19,580.59	31	29,653.96
5300.004	Supplies Postage	13,550.00	.00	13,550.00	728.60	.00	2,283.98	11,266.02	17	12,317.20
5300.005	Supplies Ammunition and range	55,000.00	.00	55,000.00	3,860.10	.00	25,399.16	29,600.84	46	51,854.72
5304	Printing	1,250.00	.00	1,250.00	.00	.00	.00	1,250.00	0	770.75
5305	Dues and memberships	3,045.00	.00	3,045.00	150.00	.00	1,252.00	1,793.00	41	2,423.43
5306.100	Maintenance agreement Software	196,815.00	.00	196,815.00	12,829.87	.00	43,539.61	153,275.39	22	65,963.62
5307.100	Repairs and maintenance Equipment	48,798.00	.00	48,798.00	2,279.79	.00	11,421.01	37,376.99	23	67,769.22
5307.200	Repairs and maintenance Vehicle	49,000.00	.00	49,000.00	1,550.29	.00	16,012.61	32,987.39	33	52,201.05
5307.300	Repairs and maintenance Building	.00	.00	.00	.00	.00	.00	.00	+++	832.00
5308.100	Vehicle/equipment Gas, oil, etc.	436,773.00	.00	436,773.00	34,409.36	.00	99,006.37	337,766.63	23	440,067.42
5308.900	Vehicle/equipment Contra	(24,000.00)	.00	(24,000.00)	(2,007.74)	.00	(2,007.74)	(21,992.26)	8	(44,619.50)
5310	Advertising and public notice	.00	.00	.00	.00	.00	.00	.00	+++	5,642.47
5320.100	Rental Equipment	5,800.00	.00	5,800.00	.00	.00	4,190.00	1,610.00	72	4,630.00
5320.200	Rental Space	35,750.00	.00	35,750.00	2,979.17	.00	8,937.51	26,812.49	25	33,000.00
5330	Books, periodicals, subscription	22.00	.00	22.00	.00	.00	144.69	(122.69)	658	103.53
5340	Travel and training	95,100.00	.00	95,100.00	22,394.67	.00	31,613.51	63,486.49	33	104,893.62
5390	Miscellaneous	115,000.00	.00	115,000.00	183.75	.00	2,132.50	112,867.50	2	81,119.02
5395	Equipment - nonoutlay	52,632.00	33,207.00	85,839.00	1,900.00	20,824.00	4,900.00	60,115.00	30	120,707.31
	<i>Operations and maintenance Totals</i>	\$1,385,661.00	\$45,850.00	\$1,431,511.00	\$116,650.90	\$20,824.00	\$324,241.23	\$1,086,445.77	24%	\$1,337,966.33
	<i>Insurance costs</i>									
5400.210	Claims Subrogation recovery	(1,000.00)	.00	(1,000.00)	.00	.00	.00	(1,000.00)	0	.00
5410.200	Insurance Auto physical damage	35,000.00	.00	35,000.00	4,114.62	24,643.00	5,860.13	4,496.87	87	19,614.90
	<i>Insurance costs Totals</i>	\$34,000.00	\$0.00	\$34,000.00	\$4,114.62	\$24,643.00	\$5,860.13	\$3,496.87	90%	\$19,614.90
	<i>Utilities</i>									
5501	Electric	441,896.00	.00	441,896.00	24,837.33	.00	73,448.56	368,447.44	17	394,805.50
5502	Gas, oil, etc.	153,885.00	.00	153,885.00	17,846.34	.00	55,791.04	98,093.96	36	155,535.55
5503	Water & sewer	92,167.00	.00	92,167.00	7,304.44	.00	22,349.27	69,817.73	24	86,943.81
5505	Telephone	9,735.00	.00	9,735.00	500.50	.00	2,389.60	7,345.40	25	206,306.57
5505.100	Telephone cell	53,817.00	.00	53,817.00	4,649.16	.00	10,072.67	43,744.33	19	53,624.39
	<i>Utilities Totals</i>	\$751,500.00	\$0.00	\$751,500.00	\$55,137.77	\$0.00	\$164,051.14	\$587,448.86	22%	\$897,215.82
	<i>Chargebacks</i>									

Chargebacks

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year Total
5600	Indirect cost	1,545,156.00	.00	1,545,156.00	128,763.00	.00	386,289.00	1,158,867.00	25	1,501,624.00
5601.100	Intra-county expense Information services	602,497.00	.00	602,497.00	56,702.52	.00	145,170.26	457,326.74	24	590,830.28
5601.200	Intra-county expense Insurance	159,507.00	.00	159,507.00	13,292.25	.00	39,876.75	119,630.25	25	106,997.00
5601.350	Intra-county expense Highway	.00	.00	.00	.00	.00	903.69	(903.69)	+++	11,453.77
5601.400	Intra-county expense Copy center	27,600.00	.00	27,600.00	1,052.31	.00	9,802.77	17,797.23	36	28,264.86
5601.450	Intra-county expense Departmental copiers	16,678.00	.00	16,678.00	1,389.83	.00	4,169.49	12,508.51	25	10,425.00
	<i>Chargebacks Totals</i>	\$2,351,438.00	\$0.00	\$2,351,438.00	\$201,199.91	\$0.00	\$586,211.96	\$1,765,226.04	25%	\$2,249,594.91
	<i>Contracted services</i>									
5700	Contracted services	706,445.00	.00	706,445.00	69,483.05	.00	94,920.44	611,524.56	13	557,786.74
5708	Professional services	1,507,803.00	.00	1,507,803.00	206,328.41	.00	531,150.75	976,652.25	35	1,390,252.47
5720	Boarding prisoners - jail	.00	.00	.00	.00	.00	.00	.00	+++	930.00
5725	Meal service	906,420.00	.00	906,420.00	87,674.14	.00	226,098.52	680,321.48	25	892,900.74
	<i>Contracted services Totals</i>	\$3,120,668.00	\$0.00	\$3,120,668.00	\$363,485.60	\$0.00	\$852,169.71	\$2,268,498.29	27%	\$2,841,869.95
	<i>Other</i>									
5800	Grant Expenditures	17,500.00	.00	17,500.00	.00	.00	.00	17,500.00	0	17,273.00
	<i>Other Totals</i>	\$17,500.00	\$0.00	\$17,500.00	\$0.00	\$0.00	\$0.00	\$17,500.00	0%	\$17,273.00
	<i>Outlay</i>									
6110.020	Outlay Equipment (\$5,000+)	221,623.00	61,616.00	283,239.00	.00	123,915.00	21,886.03	137,437.97	51	260,806.58
6190	Disposition of fixed assets	(13,500.00)	.00	(13,500.00)	(5,056.55)	.00	(5,056.55)	(8,443.45)	37	(29,402.50)
	<i>Outlay Totals</i>	\$208,123.00	\$61,616.00	\$269,739.00	(\$5,056.55)	\$123,915.00	\$16,829.48	\$128,994.52	52%	\$231,404.08
	<i>Transfer out</i>									
9005	Intrafund Transfer Out	.00	.00	.00	.00	.00	.00	.00	+++	110,000.00
	<i>Transfer out Totals</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$110,000.00
	EXPENSE TOTALS	\$35,791,457.00	\$111,543.00	\$35,903,000.00	\$3,512,164.30	\$169,382.00	\$8,558,029.91	\$27,175,588.09	24%	\$35,906,847.18
	Fund 100 - GF Totals	\$35,791,457.00	\$111,543.00	\$35,903,000.00	\$3,512,164.30	\$169,382.00	\$8,558,029.91	\$27,175,588.09	24%	\$35,906,847.18
	Fund 100 - GF Totals	\$0.00	\$0.00	\$0.00	(\$569,010.27)	(\$169,382.00)	\$262,086.46	(\$92,704.46)		\$432,976.73
	Fund 150 - DARE									
	REVENUE									
	<i>Miscellaneous revenue</i>									
4900	Miscellaneous	7,000.00	.00	7,000.00	.00	.00	1,100.00	5,900.00	16	9,506.20
	<i>Miscellaneous revenue Totals</i>	\$7,000.00	\$0.00	\$7,000.00	\$0.00	\$0.00	\$1,100.00	\$5,900.00	16%	\$9,506.20
	<i>Contributions</i>									
4901	Donations	215,032.00	.00	215,032.00	5,040.00	.00	5,275.00	209,757.00	2	229,877.20
	<i>Contributions Totals</i>	\$215,032.00	\$0.00	\$215,032.00	\$5,040.00	\$0.00	\$5,275.00	\$209,757.00	2%	\$229,877.20
	REVENUE TOTALS	\$222,032.00	\$0.00	\$222,032.00	\$5,040.00	\$0.00	\$6,375.00	\$215,657.00	3%	\$239,383.40
	EXPENSE									
	<i>Personnel services</i>									
5100	Regular earnings	130,907.00	.00	130,907.00	13,279.77	.00	28,242.67	102,664.33	22	106,415.20
5102.100	Paid leave earnings Paid Leave	.00	.00	.00	400.83	.00	671.92	(671.92)	+++	24,226.53
5102.300	Paid leave earnings Casual	.00	.00	.00	.00	.00	.00	.00	+++	2,348.06
5102.400	Paid leave earnings Sick	.00	.00	.00	.00	.00	813.26	(813.26)	+++	1,355.44

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	Encumbrances	YTD Transactions	YTD Transactions	Budget - YTD Transactions	% used/ Rec'd	Prior Year Total
5103.000	Premium Overtime	3,117.00	.00	3,117.00	246.94	.00	246.94	246.94	2,870.06	8	10,215.92
5103.100	Premium Comp time premium	.00	.00	.00	1,906.93	.00	3,116.68	3,116.68	(3,116.68)	+++	.00
	<i>Personnel services Totals</i>	\$134,024.00	\$0.00	\$134,024.00	\$15,834.47	\$0.00	\$33,091.47	\$33,091.47	\$100,932.53	25%	\$144,561.15
	<i>Fringe benefits and taxes</i>										
5110.100	Fringe benefits FICA	9,871.00	.00	9,871.00	1,160.86	.00	2,461.71	2,461.71	7,409.29	25	10,633.78
5110.110	Fringe benefits Unemployment compensation	504.00	.00	504.00	42.00	.00	126.00	126.00	378.00	25	673.00
5110.200	Fringe benefits Health Insurance	22,582.00	.00	22,582.00	2,696.49	.00	5,724.94	5,724.94	16,857.06	25	22,686.31
5110.210	Fringe benefits Dental Insurance	1,828.00	.00	1,828.00	203.46	.00	427.15	427.15	1,400.85	23	1,641.34
5110.220	Fringe benefits Life Insurance	261.00	.00	261.00	48.96	.00	97.92	97.92	163.08	38	249.58
5110.230	Fringe benefits LT disability insurance	484.00	.00	484.00	41.62	.00	125.48	125.48	358.52	26	.00
5110.235	Fringe benefits Disability insurance	1,142.00	.00	1,142.00	95.17	.00	285.51	285.51	856.49	25	1,519.18
5110.240	Fringe benefits Workers compensation insurance	1,492.00	.00	1,492.00	124.33	.00	372.99	372.99	1,119.01	25	838.00
5110.300	Fringe benefits Retirement	16,921.00	.00	16,921.00	2,113.90	.00	4,481.79	4,481.79	12,439.21	26	18,316.91
5110.310	Fringe benefits Retirement credit	7,923.00	.00	7,923.00	1,047.16	.00	2,209.67	2,209.67	5,713.33	28	8,540.79
	<i>Fringe benefits and taxes Totals</i>	\$63,008.00	\$0.00	\$63,008.00	\$7,573.95	\$0.00	\$16,313.16	\$16,313.16	\$46,694.84	26%	\$65,098.89
	<i>Employee costs</i>										
5203.100	Employee allowance Clothing	.00	.00	.00	.00	.00	480.00	480.00	(480.00)	+++	972.36
	<i>Employee costs Totals</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$480.00	\$480.00	(\$480.00)	+++	\$972.36
	<i>Operations and maintenance</i>										
5300	Supplies	25,000.00	(1,750.00)	23,250.00	1,089.52	.00	2,684.28	2,684.28	20,565.72	12	27,917.66
5340	Travel and training	.00	.00	.00	.00	.00	.00	.00	.00	+++	267.08
	<i>Operations and maintenance Totals</i>	\$25,000.00	(\$1,750.00)	\$23,250.00	\$1,089.52	\$0.00	\$2,684.28	\$2,684.28	\$20,565.72	12%	\$28,184.74
	<i>Chargebacks</i>										
5601.400	Intra-county expense Copy center	.00	1,750.00	1,750.00	35.31	.00	439.94	439.94	1,310.06	25	1,721.86
	<i>Chargebacks Totals</i>	\$0.00	\$1,750.00	\$1,750.00	\$35.31	\$0.00	\$439.94	\$439.94	\$1,310.06	25%	\$1,721.86
	EXPENSE TOTALS	\$222,032.00	\$0.00	\$222,032.00	\$24,533.25	\$0.00	\$53,008.85	\$53,008.85	\$169,023.15	24%	\$240,539.00
	Fund 150 - DARE Totals										
	REVENUE TOTALS	222,032.00	.00	222,032.00	5,040.00	.00	6,375.00	6,375.00	215,657.00	3	239,383.40
	EXPENSE TOTALS	222,032.00	.00	222,032.00	24,533.25	.00	53,008.85	53,008.85	169,023.15	24	240,539.00
	Fund 150 - DARE Totals	\$0.00	\$0.00	\$0.00	(\$19,493.25)	\$0.00	(\$46,633.85)	(\$46,633.85)	\$46,633.85		(\$1,155.60)
	Grand Totals										
	REVENUE TOTALS	36,013,489.00	111,543.00	36,125,032.00	2,948,194.03	.00	8,826,491.37	8,826,491.37	27,298,540.63	24	36,579,207.31
	EXPENSE TOTALS	36,013,489.00	111,543.00	36,125,032.00	3,536,697.55	169,382.00	8,611,038.76	8,611,038.76	27,344,611.24	24	36,147,386.18
	Grand Totals	\$0.00	\$0.00	\$0.00	(\$588,503.52)	(\$169,382.00)	\$215,452.61	\$215,452.61	(\$46,070.61)		\$431,821.13

BROWN COUNTY SHERIFF'S DEPARTMENT
Key Factor Report for the Public Safety Committee

04/22/13
D. Hein

Meeting: **5/1/2013**

Thru Mar. '13

Jail Statistics:

Avg. Daily Total Jail Population - (latest mo.) *	707.8
(includes secure, Huber, juvenile and inmates from other counties and federal inmates)	
Avg. Daily Total Jail Population - (all current year - 2013)	700.3
(includes secure, Huber, juvenile and inmates from other counties and federal inmates)	
Avg. Daily Total Jail Population - (all prior year - 2012)	720.2
(includes secure, Huber, juvenile and inmates from other counties and federal inmates)	
Avg. Daily Jail Pop. from Counties/State/Feds (latest mo.)*	22.9
(adult inmates only)	
Avg. Daily Jail Pop. from Counties/State/Feds (all current year)	24.0
(adult inmates only)	
Avg. Daily Jail Pop. from Counties/State/Feds (all prior year)	23.7
(adult inmates only)	
Adult Jail Revenue from Counties/State/Feds - (latest mo.) **	\$45,630
Adult Jail Rev. from Counties/State/Feds - (all current year) **	\$143,390
Revised Budget Adult Jail Rev. from Counties/State/Feds	\$403,325
Projected Total Adult Jail Rev. from Counties/State/Feds	\$573,560
(Proj. based on Fed. ADP only 12 for last six mo.)	
Prior Year (2012) Revenue From Counties/State/Feds	\$573,525
* Latest month for population data = Mar., 2013	
** Latest month for revenue = Mar. 2013	

Overtime Statistics:

Avg. Monthly Overtime Expenditures through (latest mo.) *	\$72,717
Overtime Expenditures for 2013 through (latest mo.) *	\$218,151
Jail Overtime included in above figure through (latest mo.) *	\$79,407
Current Year Revised Overtime Budget for entire year	\$1,582,478
Prior Year Overtime Expenditures through (latest mo.) *	\$275,928
Prior Year Total Overtime Expenditures (2012)	\$1,503,976
* Latest month = Mar. 2013	

Budget/Actual Expenditures:

Total Actual Sheriff's Dept. Expenditures through (latest mo.) *	\$8,558,030
Total Annual Amended Budget	\$35,903,000
Percent of Total Annual Amended Budget spent	23.8%
* latest mo. = Mar. 2013	

Jail ADP
by Mo 2013

BROWN COUNTY SHERIFF'S DEPARTMENT
Jail Average Daily Population by Month and Type
For the Calendar Year 2013

	<u>Monthly Averages</u>								<u>Grand Total</u>
	<u>Main Jail Lockup</u>	<u>Huber Facility</u>	<u>Brown Co Adult Sub-Total</u>	<u>Boarded from State or Counties</u>	<u>Boarded from Fed. Sources</u>	<u>All Adult Sub-Total</u>	<u>Electronic Monitoring</u>	<u>Juvenile *</u>	
Jan. '13	413.2	182.4	595.6	-	28.3	623.9	74.6	7.4	705.9
Feb.	420.0	167.5	587.5	-	20.9	608.4	71.4	7.3	687.1
Mar.	421.9	181.3	603.2	-	22.9	626.1	76.7	5.0	707.8
Apr.				-					
May				-					
June				-					
July				-					
Aug.				-					
Sep.				-					
Oct.				-					
Nov.				-					
Dec.				-					
YTD Avg. **	418.4	177.1	595.4	-	24.0	619.5	74.2	6.6	700.3
2012 Avg.	421.9	185.2	607.1	-	23.7	630.8	81.7	7.7	720.2
2011 Avg.	443.7	195.0	638.7	-	25.2	663.9	60.2	7.5	731.7
2010 Avg.	429.1	185.6	614.7	-	20.4	635.0	50.6	8.2	693.8
2009 Avg.	459.4	193.0	652.4	-	18.9	671.3	46.3	8.1	725.7
2008 Avg.	440.9	187.8	628.6	15.1	25.4	669.1	40.1	12.0	721.2
2007 Avg.	464.9	186.4	651.3	22.4	37.3	711.1	36.5	10.6	758.2
2006 Avg.	427.2	165.6	592.8	6.9	45.5	641.1	40.4	13.0	694.6
2005 Avg.	403.5	142.1	545.6	19.2	25.9	590.7	41.2	14.0	646.0
2004 Avg.	388.2	124.0	512.3	13.8	32.8	553.4	33.1	12.1	598.6

Notes:

During late 2008 and early 2009, some inmates were boarded at another county jail due to the Communication Center construction project - an average of just under 16 for January 2009.

Federal inmates are primarily from US Marshal Service but also includes some inmates from Bureau of Prisons.

Prior to 2007, inmates from other counties were boarded in the Brown County Jail. In 2007 there were no inmates from other counties but there were inmates from the state boarded that year.

The above figures include inmates who are AWOL or on temporary leave, which is typically about 16 persons

The Huber Facility figure includes all inmates housed in that facility whether they actually are work release eligible

* Juvenile includes both Brown County juveniles and juveniles from other counties.

** YTD avg. is an average of averages and is not exactly the same as would be computed by taking the total number of inmate days and dividing by 365. However, the YTD avg. is reasonably close.

BUDGET ADJUSTMENT REQUEST

<u>Adjustment</u>	<u>Description</u>	<u>Approval Level</u>
<input type="checkbox"/> Category 1	Reallocation from one account to another <u>within</u> the major budget classifications.	Department Head
<input type="checkbox"/> Category 2	<input type="checkbox"/> a. Change in Outlay not requiring the reallocation of funds from another major budget classification. <input type="checkbox"/> b. Change in any item within Outlay account which requires the reallocation of funds from any other major budget classification or the reallocation of Outlay funds to another major budget classification.	County Executive County Board
<input type="checkbox"/> Category 3	<input type="checkbox"/> a. Reallocation between budget classifications other than 2b or 3b adjustments. <input type="checkbox"/> b. Reallocation of personnel services and fringe benefits to another major budget classification except contracted services, or reallocation to personnel services and fringe benefits from another major budget classification except contracted services.	County Executive County Board
<input type="checkbox"/> Category 4	Interdepartmental reallocation or adjustment (including reallocation from the County's General Fund)	County Board
<input checked="" type="checkbox"/> Category 5	Increase in expenses with offsetting increase in revenue	County Board

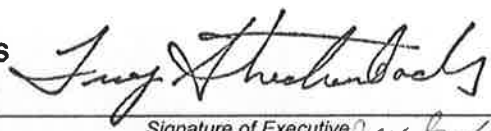
Increase	Decrease	Account #	Account Title	Amount
<input checked="" type="checkbox"/>	<input type="checkbox"/>	152.074.077.4506.401	Asset Seizures - Federal	\$10,100
<input checked="" type="checkbox"/>	<input type="checkbox"/>	152.074.077.6110.020	Outlay equipment	9,584
<input checked="" type="checkbox"/>	<input type="checkbox"/>	152.074.077.5340	Travel & Training	516

Narrative Justification:

This is a request to increase budgeted federal asset forfeiture funds to recognize a transfer from the Wisconsin National Guard's Drug Control Program and increase budgeted expenses for the purchase of forensic cell phone equipment and related training on the use of that equipment. ~~for the Drug Task Force.~~


 Signature of Department Head
 Department: Sheriff
 Date: 04/05/13

AUTHORIZATIONS


 Signature of Executive
 Date: 4/9/13

BUDGET ADJUSTMENT REQUEST

<u>Adjustment</u>	<u>Description</u>	<u>Approval Level</u>
<input type="checkbox"/> Category 1	Reallocation from one account to another <u>within</u> the major budget classifications.	Department Head
<input checked="" type="checkbox"/> Category 2		
<input type="checkbox"/> a.	Change in Outlay not requiring the reallocation of funds from another major budget classification.	County Executive
<input checked="" type="checkbox"/> b.	Change in any item within Outlay account which requires the reallocation of funds from any other major budget classification or the reallocation of Outlay funds to another major budget classification.	County Board
<input type="checkbox"/> Category 3		
<input type="checkbox"/> a.	Reallocation between budget classifications other than 2b or 3b adjustments.	County Executive
<input type="checkbox"/> b.	Reallocation of personnel services and fringe benefits to another major budget classification except contracted services, or reallocation to personnel services and fringe benefits from another major budget classification except contracted services.	County Board
<input type="checkbox"/> Category 4	Interdepartmental reallocation or adjustment (including reallocation from the County's General Fund)	County Board
<input type="checkbox"/> Category 5	Increase in expenses with offsetting increase in revenue	County Board

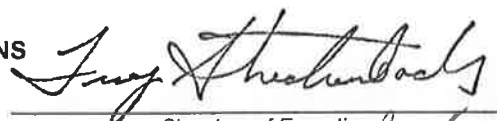
Increase	Decrease	Account #	Account Title	Amount
<input type="checkbox"/>	<input checked="" type="checkbox"/>	100.074.001.5390	Misc.Exp. (spec. invest.)	\$9,584
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.074.001.6110.020	Outlay equipment	9,584

Narrative Justification:

This is a request to increase outlay for the purchase of forensic cell phone equipment for investigations and offset that by reducing the amount budgeted for special investigations in the miscellaneous expense line.


 Signature of Department Head
 Department: Sheriff
 Date: 04/05/13

AUTHORIZATIONS


 Signature of Executive Ben Smith
 Date: 4/9/13

SHERIFF'S OFFICE

Brown County

2684 DEVELOPMENT DRIVE
GREEN BAY, WISCONSIN 54311
PHONE (920) 448-4200



JOHN GOSSAGE
SHERIFF

April 11, 2013

Mr. Patrick Buckley, Chairman
Brown County Board of Supervisors
Public Safety Committee
305 E. Walnut Street
Green Bay, WI 54301

Re: Adoption of Wisconsin Administrative Code Trans 305

Dear Mr. Buckley,

I respectfully request the Brown County Public Safety Committee consider the adoption of Wisconsin Administrative Code Trans 305 as a Brown County Ordinance. Trans 305 are the standards for motor vehicle equipment laws.

In a case decided by the Wisconsin Court of Appeals – August 11, 2009 (2009 WI APP 140) State v. Bailey, questioned a police officer's right to enforce an equipment violation under the administrative code. The court left unanswered this question but noted that the answer is simple if there were an ordinance adopting the code provision.

The deputies use this code frequently to initiate traffic contacts for such violations as equipment malfunctions, illegal window tinting, and other inappropriate vehicle modifications. These initial contacts often lead to probable cause for more serious violations. It would be sad if the county were to lose an important case because of an avoidable technicality.

Sincerely,


John R. Gossage, Sheriff

Chapter Trans 305

STANDARDS FOR VEHICLE EQUIPMENT

Subchapter I — General Provisions

Trans 305.01	Purpose and scope.
Trans 305.02	Applicability.
Trans 305.03	Enforcement.
Trans 305.04	Penalty.
Trans 305.05	Definitions.
Trans 305.06	Identification of vehicles.
Trans 305.065	Homemade, replica, street modified, reconstructed and off-road vehicles.

Subchapter II — Automobiles, Motor Homes and Light Trucks

Trans 305.07	Definitions.
Trans 305.075	Auxiliary lamps.
Trans 305.08	Back-up lamp.
Trans 305.09	Direction signal lamps.
Trans 305.10	Hazard warning lamps.
Trans 305.11	Headlamps.
Trans 305.12	Parking lamps.
Trans 305.13	Registration plate lamp.
Trans 305.14	Side marker lamps, clearance lamps and reflectors.
Trans 305.15	Stop lamps.
Trans 305.16	Tail lamps.
Trans 305.17	Brakes.
Trans 305.18	Bumpers.
Trans 305.19	Doors, hoods, locks, latches and door handles.
Trans 305.20	Exhaust and air pollution control systems.
Trans 305.21	Floor pan and firewall.
Trans 305.22	Fenders and projecting parts.
Trans 305.23	Frames.
Trans 305.24	Fuel systems.
Trans 305.25	Horn.
Trans 305.26	Mirrors.
Trans 305.27	Restraining devices and seats.
Trans 305.28	Speed indicator and odometer.

Trans 305.29	Steering and suspension.
Trans 305.30	Tires and rims.
Trans 305.31	Modifications affecting height of a vehicle.
Trans 305.32	Vent, side and rear windows.
Trans 305.33	Windshield defroster-defogger.
Trans 305.34	Windshields.
Trans 305.35	Windshield wipers.

Subchapter III — Motorcycles

Trans 305.37	Applicability of subch. II.
Trans 305.38	Brakes.
Trans 305.39	Exhaust system.
Trans 305.40	Fenders and bumpers.
Trans 305.41	Fuel system.
Trans 305.42	Horn.
Trans 305.43	Lighting.
Trans 305.44	Mirrors.
Trans 305.45	Sidecars.
Trans 305.46	Suspension system.
Trans 305.47	Tires, wheels and rims.

Subchapter IV — Heavy Trucks, Trailers and Semitrailers

Trans 305.48	Definitions.
Trans 305.485	Applicability of subch. II.
Trans 305.49	Axle control valves.
Trans 305.50	Bed and body on trailers and semitrailers.
Trans 305.51	Brakes on heavy trucks, trailers and semitrailers.
Trans 305.52	Coupling devices.
Trans 305.53	Fenders and mud guards.
Trans 305.54	Frames on heavy trucks, trailers and semi-trailers.
Trans 305.55	Lighting devices.
Trans 305.56	Rear end protection.
Trans 305.57	Suspension system on heavy trucks, trailers and semitrailers.
Trans 305.58	Wiring.

Note: Chapter MVD 5 as it existed on February 29, 1996 was repealed and a new chapter Trans 305 was created effective March 1, 1996.

Subchapter I — General Provisions

Trans 305.01 Purpose and scope. (1) The purpose of this chapter is to prescribe minimum equipment requirements for vehicles and standards for the equipment used on vehicles.

(2) This chapter includes equipment requirements for manufactured, homemade, street modified, replica and reconstructed vehicles and motor vehicles, including automobiles, light trucks, heavy trucks, motorcycles, motor homes, trailers and semi-trailers.

History: Ch. Register, February, 1996, No. 482, eff. 3-1-96

Trans 305.02 Applicability. (1) This chapter does not apply to the following vehicles:

- (a) Farm tractors and self-propelled farm implements.
- (b) Implements of husbandry as defined in s. 340.01 (24), Stats.
- (c) Vehicles drawn by animals.
- (d) Road machinery.
- (e) Bicycles.
- (f) Motor bicycles or mopeds.
- (g) Golf carts operated in accordance with s. 349.18 (1) (b), Stats.
- (h) Homemade, street modified, replica or reconstructed motor vehicles owned by a nonresident that are domiciled and registered in a foreign jurisdiction and temporarily operated in Wisconsin.

(i) Homemade or reconstructed vehicles registered as homemade or reconstructed vehicles in Wisconsin before January 1, 1975.

(2) Except as provided in sub. (4):

(a) Subchapter II applies to automobiles, light trucks and motor homes.

(b) Subchapter III applies to motorcycles.

(c) Subchapter IV applies to heavy trucks, trailers and semitrailers.

(3) Homemade or reconstructed vehicles registered in Wisconsin on or after January 1, 1975, shall meet the vehicle equipment standards in subchs. II, III and IV applicable to vehicles of the same type which are manufactured in the year in which the homemade or reconstructed vehicle is first registered in Wisconsin except as specifically provided. When subchs. II, III and IV make equipment standards applicable to vehicles manufactured after a certain date, the standards apply to homemade and reconstructed vehicles first registered in Wisconsin after that date.

(4) Vehicles covered under subchs. II, III and IV that are street modified or replica vehicles shall meet the following vehicle equipment requirements:

(a) The vehicle equipment requirements for a street modified vehicle shall be the same as the vehicle equipment requirements for a vehicle of the same type and model year that is not a street modified vehicle.

(b) The vehicle equipment requirements for a replica vehicle shall be the same as the vehicle equipment requirements for a vehicle of the same type and model year as the vehicle used for purposes of the reproduction.

(5) No section of this chapter requires vehicles meeting equipment requirements established by Wisconsin or federal law for the

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year of original manufacture to update vehicle equipment to meet increased requirements under this chapter unless updating is required by ch. 347, Stats., or sub. (3).

(6) Vehicles that were legally titled and registered in another jurisdiction and that met vehicle equipment standards established by the law of the other jurisdiction and are in compliance with Wisconsin equipment requirements for that model year are not required to update vehicle equipment to meet increased requirements under this chapter upon titling and registration in Wisconsin unless updating is required by ch. 347, Stats.

(7) Nothing in this chapter is intended to modify the provisions of ch. 347, Stats., and all vehicles to which this chapter applies shall also comply with the requirements of ch. 347, Stats.

(8) Nothing in this chapter is intended to modify the provisions of chs. Trans 308, 325, 326, and 327, and all vehicles to which subch. IV applies shall also comply with all applicable requirements of chs. Trans 308, 325, 326, and 327.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (6), Register, October, 1997, No. 502, eff. 11-1-97; corrections in (8) made under s. 13.93 (2m) (b) 7., Stats., Register May 2004 No. 581.

Trans 305.03 Enforcement. No person may operate or allow to be operated on Wisconsin highways any vehicle subject to this chapter that is not in conformity with the applicable requirements of this chapter. Whenever this chapter requires a lamp or device to be mounted at a certain height, the distance shall be measured from the center of the lamp or device to the level ground upon which the vehicle stands when such vehicle is without load.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.04 Penalty. Unless a different penalty is provided by statute, any violation of this chapter shall be punishable as prescribed in s. 110.075 (7), Stats.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.05 Definitions. Words and phrases defined in chs. 340 and 341, Stats., are used in the same sense in this chapter unless a different definition is specified. In this chapter:

(1) "Adverse weather lamp" has the meaning provided in s. 340.01 (1m), Stats.

(2) "Air pollution control equipment" has the meaning provided in s. 285.30 (6), Stats.

(3) "Auxiliary lamp" means any lamp mounted on a vehicle with a bulb having wattage in excess of 10 watts and which is not required equipment under ch. 347, Stats., or this chapter, except a spot lamp. Auxiliary lamps may include adverse weather lamps, fog lamps, driving lamps and off-road lamps.

(4) "Back-up lamp" means any lamp designed to provide road illumination to the rear of a vehicle when the vehicle is in reverse gear.

(5) "Braking system" means the components required to stop a motor vehicle including the braking pedal, master cylinder, connecting hoses, lines, fluids, linkage, drums, shoes, rotors, pads, calipers and parking brake.

(6) "Bumper" means a device mounted at the front or rear of a vehicle for absorbing shock and providing a contact point that may reduce damage to the vehicle in a collision.

(7) "Designated seating position" has the meaning provided in 49 CFR 571.3.

(7m) "Door handle" means a device including a knob, latch release or lever that is used to open or close, or both, a door either from the interior or exterior of a vehicle.

(8) "Driver's compartment" means the interior part of the vehicle designed for use by the vehicle operator while controlling the movement of the vehicle.

(9) "Driving lamp" means an auxiliary lamp which projects a fixed narrow beam of light intended to illuminate objects beyond the normal distance illuminated by headlamps.

(10) "Exhaust system" means all components used on a motor vehicle for discharging exhaust fumes including mufflers.

(11) "Federal clean air act" has the meaning provided in s. 285.30 (1) (a), Stats.

(12) "Fender" means a guard or covering over the wheels of a vehicle to prevent the splashing of water, mud or other materials which may be thrown by the wheels.

(13) "Firewall" means that portion of the vehicle separating the passenger compartment from the engine compartment.

(14) "Floor pan" means that portion of a vehicle separating the passenger and trunk compartments from the road beneath a vehicle.

(15) "Fog lamp" means an auxiliary lamp using a fluted lens which projects a wide-angle beam of light intended to illuminate objects 400 to 700 feet in front of a vehicle. This lamp is also referred to as an adverse weather lamp.

(16) "Frame" means the structure which supports the body, drive train, steering mechanism and axles of the vehicle. The frame includes the structural components of unibodies and may include chassis components if they are an integral part of the structural integrity of the vehicle.

(17) "Fuel system" includes the fuel tank, cap, filler pipe, pump, carburetor, injector systems and all accompanying components.

(18) "Hazard warning lamps" means lamps that flash simultaneously to the front and rear on both the right and left sides of a motor vehicle to warn motorists of a hazard.

(19) "Heavy truck" means a motor truck, truck tractor, or road tractor with a gross vehicle weight rating or actual gross weight of more than 10,000 pounds. The term also includes any combination vehicle where one of the vehicles in the combination is a motor truck, truck tractor or road tractor and the gross combination weight rating or actual weight of the combination exceeds 10,000 pounds.

(20) "High-mounted stop lamp" means an additional lamp of a stop lamp system giving a brake-actuated, steady warning light to the rear of the vehicle intended to provide a signal to both the operator of the next following vehicle and through intervening vehicles to the operators of the other following vehicles.

(21) "Homemade vehicle" has the meaning provided in s. 341.268 (1) (b), Stats.

(22) "Horn" means a warning device, mounted on a motor vehicle, which produces audible sound.

(23) "Immediate family member" means a spouse, child, stepchild, foster child or other dependent if the spouse, child, stepchild, foster child or other dependent resides in the household of the owner of a motor vehicle.

(24) "Lash" means the condition in which the steering wheel may be turned through some part of a revolution without associated movement of the wheel or wheels that turn the vehicle.

(25) "Light truck" means a motor truck, truck tractor, road tractor or combination vehicle with a gross vehicle weight rating or actual gross weight of 10,000 pounds or less.

(26) "Manufactured" means produced by a manufacturer of vehicles as defined in s. 340.01 (28), Stats.

(27) "Nontransparent materials" means all materials, including those that may be sprayed or painted, on motor vehicle glazing, which reduce the amount of visible light passing through the motor vehicle glazing material or otherwise restrict or distort the clear view of any object or person. The term does not include tinted films applied to the interior or exterior surface of motor vehicle glazing material.

(28) "Parking lamps" means 2 lamps mounted on the front of a motor vehicle, one on each side, designed to mark the front of the vehicle when parked.

(29) "Reconstructed vehicle" has the meaning provided in s. 341.268 (1) (d), Stats.

(30) "Registration plate lamp" means a lamp designed to illuminate the rear registration plate of a vehicle.

(31) "Replica vehicle" has the meaning provided in s. 341.268 (1) (e), Stats.

(32) "Restraining device" means any device designed to secure persons in the seat of a motor vehicle, including safety belts and airbags, in order to mitigate the results of any accident.

(33) "Safety belt" has the meaning provided in s. Trans 310.02 (3).

(34) "Shock absorbing device" means an energy dissipating device on a vehicle which increases vehicle stability and improves steering, handling and ride performance. It includes shock absorbers and struts.

(35) "Side marker lamps" means lamps used on each side of a vehicle to indicate its length and to make the vehicle visible when approaching from the side.

(36) "Semitrailer" and "trailer" have the meaning provided in s. 340.01 (57) and (71), Stats., except that for purposes of this chapter, the terms include mobile homes.

(37) "SAE" means the society of automotive engineers.

(38) "Steering wheel" means a circular device mounted on the steering shaft in the driver's compartment of a motor vehicle, other than a motorcycle, for use by the driver to maneuver the steering system of a motor vehicle.

(39) "Street modified vehicle" has the meaning provided in s. 341.268 (1) (f), Stats.

(40) "Suspension system" means that portion of a vehicle between the frame and the axles including, but not limited to, springs, torsion bars, shackles, shock absorbers, cross stabilization bars, anti-sway bars, and all attachment parts.

(41) "Tire and rim" means the rubber tire and its mounting surface on which the vehicle is suspended. The component parts are defined as follows:

(a) "Bead" means the part of the tire which is shaped to fit the rim, made of high-tensile steel wire wrapped and reinforced by the plies.

(b) "Belt" means the layer or layers made of fabric or other material located under the tread area.

(c) "Cord" means the textile or steel wire strands, or the like, forming the plies or other structure of the tire.

(d) "Groove" means the space between 2 tread ribs.

(e) "Major tire groove" means the circular grooves where the wear indicator bars are located.

(f) "Ply" means the layer of rubber coated parallel strands or cords forming the tire body.

(g) "Rib" means the tread section running around the circumference of the tire.

(h) "Rim" means the metal support for tire and tube assembly. Tire beads are seated on the rim.

(i) "Sidewall" means the portion of the tire between tread and bead.

(j) "Tread" means the portion of the tire that comes in contact with the road.

(42) "Windshield" means the transparent shield of safety glass mounted forward of the passenger compartment of a motor vehicle other than a motor driven cycle.

(43) "Windshield critical area" means that portion of a motor vehicle windshield normally used by the driver for necessary observations to the front of the vehicle. This includes the areas normally swept by a factory installed windshield wiper system.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (19), r. (24) and (25), renun. (26) to (36m) to be (24) to (36) and am. (25), Register, October, 1997, No. 502, eff. 11-1-97; corrections in (2) and (11) made under s. 13.93 (2m) (b) 7.,

Stats., Register, April, 1999, No. 520, eff. 5-1-99; CR 01-120; cr. (7m) Register May 2002 No. 557, eff. 6-1-02.

Trans 305.06 Identification of vehicles. No person may operate a vehicle on a highway if:

(1) The vehicle identification number is missing, obliterated, altered or not properly attached.

(2) The vehicle is a homemade, reconstructed or replica vehicle and does not have a vehicle identification number assigned by a manufacturer or by the department.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.065 Homemade, replica, street modified, reconstructed and off-road vehicles. (1) **INSPECTION.** Upon completion of assembly or reconstruction, every homemade or reconstructed vehicle shall be inspected prior to being registered or titled for compliance with this chapter, ch. Trans 149 and ch. 347, Stats. The inspection shall be performed by an inspector authorized by the department to perform inspections of salvage vehicles under s. 342.07, Stats. This subsection does not apply to trailers or semitrailers.

(2) **TITLES.** (a) *Homemade and reconstructed vehicles.* The department shall issue a title indicating that a vehicle is a homemade or reconstructed vehicle where the make of the vehicle would otherwise be shown on the title. The model year shown on the title shall match the calendar year of the inspection performed under this section.

(b) *Replica and street modified vehicles.* The department shall issue a title indicating that a vehicle, except a motorcycle, is a replica or street modified vehicle and the make and model year shown on the title shall be the original make and model year of the street modified vehicle or the make and model year of the vehicle being replicated. The installation of reproduction body parts on a previously manufactured and titled vehicle body and frame is not considered by the department to constitute a replica vehicle for purposes of identifying the vehicle on its title. A vehicle shall be considered a replica or a street modified vehicle if it has been certified by the owner to be a replica or a street modified vehicle for purposes of registration under s. 341.268, Stats. A vehicle shall also be considered a street modified vehicle if the vehicle's engine has been replaced with one which required adaptation beyond ordinary replacement.

(3) **REGISTRATION.** As provided in s. 341.10 (6), Stats., no vehicle originally designed and manufactured for off-highway use may be registered by the department unless it bears the label required by section 114 of the national traffic and motor vehicle safety act of 1966, as amended. The label shall be affixed by the original manufacturer and shall certify that at the time of manufacture the vehicle met all applicable federal motor vehicle safety standards. Vehicles generally not eligible to be registered include, but are not limited to, mini-bikes, go-carts and all-terrain vehicles.

Note: Section 114 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended, has been recodified at 49 USC 30101 et seq. 49 CFR Part 567 establishes standards for the location and contents of the required label.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (1) and (2) (b), Register, October, 1997, No. 502, eff. 11-1-97; CR 03-122; am. (1) and (2) (b) Register May 2004 No. 581, eff. 6-1-04.

Subchapter II — Automobiles, Motor Homes and Light Trucks

Trans 305.07 Definitions. For purposes of this subchapter, "motor vehicle" means automobiles, motor homes and light trucks.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.075 Auxiliary lamps. (1) Auxiliary lamps that are fog lamps or adverse weather lamps may not be used in lieu of headlamps during those times when headlamps are

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required except as expressly allowed by s. 347.26 (3), Stats. Other auxiliary lamps may not be used in lieu of headlamps.

(2) Unless specifically permitted by this chapter or by ch. 347, Stats., no motor vehicle may be operated upon a highway with a lighted auxiliary lamp unless the auxiliary lamp:

(a) Is mounted below the level of the center of the headlamps, except that when added equipment, such as a snow plow, blocks the transmission of light from factory installed headlights, alternate headlights may be mounted above the factory installed headlights and may temporarily be used during the time the light obstructing equipment is in place.

(b) Directs light forward of the vehicle.

(c) Every auxiliary lamp shall be properly aimed so as to conform with manufacturers recommendations, and so that glaring light rays from the auxiliary lamp are not directed into the eyes of an approaching driver.

(d) Meets the photometric specifications in SAE technical reports J581, J582 and J583 for auxiliary driving lamps, auxiliary low beam lamps or front fog lamps.

Note: SAE Standard J581 was approved in March 1979 and completely revised by the Lighting Coordinating Committee in June 1989. SAE Recommended Practice J582 was approved in January 1981 and completely revised by the Lighting Committee in September 1984. SAE Standard J583 was approved in May 1937 and completely revised by the Lighting Committee in July 1977 with an editorial change in May 1981. The SAE standards, published in the 1994 SAE Handbook, are available in the offices of the Department of Transportation, the Secretary of State, and the Legislative Reference Bureau. These standards may also be purchased from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001.

(3) Whenever the operator of a vehicle equipped with auxiliary lamps projecting a beam beyond that of the vehicle's low beam headlamps approaches an oncoming vehicle within 500 feet, or approaches or follows another vehicle within 500 feet, the operator shall extinguish the auxiliary lamps in order to prevent glaring rays being directed into the eyes of the operator of another vehicle.

(4) Adverse weather lamps shall be mounted below a horizontal line between the centers of the headlamps. If equipped with 2 adverse weather lamps, they shall be mounted on the same horizontal plane and on opposite sides of the center of the vehicle.

(5) Motor vehicles may be equipped with auxiliary off-road lamps that may face to the front or rear of the vehicle. The lamps shall be wired independently of all other lighting circuits and may not be lighted when the vehicle is operated or driven upon a highway.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (1) and (5), renun. (2) (c) to be (2) (d), cr. (2) (c), Register, October, 1997, No. 502, eff. 11-1-97.

Trans 305.08 Back-up lamp. (1) Every motor vehicle originally manufactured after January 1, 1969, shall be equipped with back-up lamps in proper working condition and in conformity with this section and s. 347.26 (4), Stats.

(2) The back-up lamp wiring and connections shall be maintained in good condition.

(3) Back-up lamps may be activated by a switch on the transmission system so the lamps can be lighted only when the transmission is in reverse gear or may be manually turned on by a switch in the driver's compartment providing there is an indicator light plainly visible to the vehicle driver indicating when the back-up lamps are on.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (1), Register, October, 1997, No. 502, eff. 11-1-97.

Trans 305.09 Direction signal lamps. (1) The front and rear direction signal lamp system of every motor vehicle manufactured after January 1, 1955, shall be maintained in proper working condition and in conformity with this section and s. 347.15, Stats.

(2) All self-canceling direction signal switches shall be in proper working condition.

(3) All direction signal indicator lamps shall be installed and maintained in proper working condition and may not be covered or obscured by any object or material.

(4) All directional signal lenses shall be installed and maintained in proper condition and may not be covered or obscured by any object or material.

(5) All wiring and connections shall be maintained in good condition.

(6) There shall be no cracked, broken or missing lenses or reflectors.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; renun. (4) and (5) to be (5) and (6), cr. (4), Register, October, 1997, No. 502, eff. 11-1-97.

Trans 305.10 Hazard warning lamps. (1) Every motor vehicle originally manufactured after January 1, 1969, shall be equipped with hazard warning lamps in proper working condition and in conformity with this section and s. 347.26 (11), Stats.

(2) Hazard warning lamps shall be securely mounted.

(3) Hazard warning lamp wiring and connections shall be maintained in good condition.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (1), Register, October, 1997, No. 502, eff. 11-1-97.

Trans 305.11 Headlamps. (1) (a) Every motor vehicle shall be equipped with a headlamp system meeting the specifications of the headlamp system with which the vehicle was originally manufactured. Every homemade or reconstructed vehicle shall be equipped with a headlamp system meeting the specifications of headlamp systems on vehicles manufactured in the year in which the homemade or reconstructed vehicle is first registered.

(b) Every headlamp shall be properly aimed so as to conform with manufacturer's recommendations and so that glaring light rays from the headlamp are not directed into the eyes of the driver of any oncoming vehicle.

(2) (a) The headlamp system on every motor vehicle shall be maintained in proper working condition and in conformity with this section and ss. 347.09 and 347.10, Stats.

(b) The headlamp switch, dimmer switch and beam indicator shall be in proper working condition. All wiring and connections shall be in good condition.

(3) (a) Every motor vehicle shall have an equal number of headlamps on each side of the vehicle installed at least 12 inches from the center of the vehicle and at the height specified in s. 347.09 (2), Stats.

(b) Every headlamp shall be properly installed, adjustable and securely fastened. The headlamp mounting shall be in good condition.

(c) No headlamp may have any type of cover that in any way tints the emitted light or reduces the amount of light emitted to below that required by s. 347.10, Stats. This paragraph applies only at times when the use of headlights is required.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.12 Parking lamps. (1) Every motor vehicle manufactured commencing with the 1950 models, and every homemade or reconstructed motor vehicle registered on or after January 1, 1975, shall be equipped with parking lamps to the front meeting the visibility requirements of s. 347.27 (1) (b), Stats.

(2) The parking lamps and lens of every motor vehicle shall be maintained in proper working condition and in conformity with this section and s. 347.27, Stats.

(3) All wiring and connections shall be maintained in good condition.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.13 Registration plate lamp. (1) All registration plate lamps, wiring and connections shall be maintained in

proper working condition and in conformity with this section and s. 347.13 (3) and (4), Stats.

(2) The registration plate lamp shall be so constructed and placed as to prevent light from the lamp shining away from the vehicle.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.14 Side marker lamps, clearance lamps and reflectors. (1) Every motor vehicle manufactured after January 1, 1969, every vehicle registered as a homemade vehicle on or after January 1, 1975, and every vehicle registered as a reconstructed vehicle after March 1, 1996 shall be equipped with side marker lamps and reflectors marking at least the front and rear corners of the vehicle.

(2) Every motor vehicle originally equipped with clearance lamps as defined in s. 340.01 (7), Stats., or reflectors shall have such lamps or reflectors maintained in conformity with this section and with ss. 347.16 to 347.19, Stats.

(3) Side marker lamp and clearance lamp wiring and connections shall be maintained in good condition.

(4) Side marker lamps, clearance lamps and reflectors shall be securely mounted and maintained in proper working condition.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (1), Register, October, 1997, No. 502, eff. 11-1-97.

Trans 305.15 Stop lamps. (1) Every automobile originally manufactured commencing with the 1950 models, every light truck or motor home originally manufactured commencing with the 1955 models, and every homemade or reconstructed vehicle registered on or after January 1, 1975, shall be equipped with at least 2 stop lamps. All other motor vehicles shall be equipped with at least one stop lamp.

(2) The stop lamps of every vehicle shall be maintained in proper working condition and in conformity with this section and s. 347.14, Stats.

(3) All wiring and connections shall be maintained in good condition.

(4) All stop lamp lenses shall be installed and maintained in proper condition and may not be covered or obscured by any object or material.

(5) (a) The high-mounted stop lamp of every motor vehicle originally manufactured with a high-mounted stop lamp shall be maintained in proper working condition and may not be covered or obscured by any object or material. This paragraph does not apply to the temporary covering or obscuring of a high mounted stop lamp by property carried on or in the motor vehicle or in a trailer towed by the motor vehicle.

(b) Camper tops and other similar coverings may be placed over the cargo area of a light truck provided that if a high-mounted stop lamp is installed on or in the cab of the truck, a comparable high-mounted stop lamp shall be installed on the rear of the truck and maintained in proper working condition. This paragraph does not apply if a camper top or other similar covering placed over the cargo bed of a light truck causes the vehicle to be 80 or more inches in width.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (1), renum. (5) to be (5) (a) and am. (5) (b), Register, October, 1997, No. 502, eff. 11-1-97.

Trans 305.16 Tail lamps. (1) Every automobile originally manufactured commencing with the 1950 models, every light truck or motor home originally manufactured commencing with the 1955 models, and every homemade or reconstructed vehicle registered on or after January 1, 1975, shall be equipped with 2 tail lamps. All other motor vehicles shall be equipped with at least one tail lamp.

(2) The tail lamps of every motor vehicle shall be maintained in proper working condition and in conformity with this section and s. 347.13 (1) and (2), Stats.

(3) All wiring and connections shall be maintained in good condition.

(4) All tail lamp lens and reflectors shall be installed and maintained in proper condition and may not be covered or obscured by any object or material.

(5) The tail lamps shall be so wired as to be lighted whenever the parking lamp or headlamps are lighted.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (1), Register, October, 1997, No. 502, eff. 11-1-97.

Trans 305.17 Brakes. (1) The brake system on every motor vehicle shall be maintained in proper working condition and in conformity with this section and s. 347.36, Stats.

(2) Every motor vehicle shall have:

(a) Braking ability on every wheel.

(b) No noticeable side pull or excessive vibration when the brakes are applied.

(c) Brake pedals with a reserve of no less than 20% of total pedal travel left when fully depressed.

(d) A brake system fully connected and free of leaks.

(e) Linings, pads, drums and rotors that all meet manufacturer's minimum recommendations.

(f) An adequate parking brake meeting the requirements of s. 347.35, Stats.

(3) All replacement brake lines shall be made only of materials meeting or exceeding the specifications of the brake system manufacturer.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.18 Bumpers. (1) (a) Every motor vehicle manufactured after September 1, 1972, and required by federal law to be equipped with bumpers or crash resistance protection, or both, shall be equipped with bumpers which shall be maintained in good condition and in conformity with this section. Replacement equipment shall be the same type as originally required or of equivalent size, strength and surface area. The bumpers may be mounted externally on the vehicle or installed within the front and rear extremes of the vehicle.

(b) Every homemade or reconstructed motor vehicle registered after January 1, 1975, shall be equipped with front and rear bumpers which provide damage protection that is equivalent to that provided by the bumpers of vehicles manufactured for sale in the year the homemade or reconstructed vehicle is first registered. Such bumpers may be mounted externally on the vehicle or installed within the front and rear extremes of the vehicle. Homemade and reconstructed vehicles registered in Wisconsin prior to March 1, 1996 may comply with either this section or the previous rules governing homemade vehicles.

(c) Light trucks manufactured on or after January 1, 1997 are required to have rear end protection in accordance with s. Trans 305.56. Light trucks operated under s. 341.47 (1), Stats., are exempt from the requirements of this paragraph.

(2) (a) All required bumpers shall be securely mounted to the vehicle and at a height that does not vary from the manufacturer's specifications by more than is permitted under s. 347.455, Stats. In the absence of manufacturer's specifications, every required bumper shall provide a contact point no higher than 30 inches from the level surface on which the vehicle stands.

(b) No required bumper may be constructed of wood except that an additional wood bumper may be added to a legal metal bumper.

(c) No bumper may be damaged or distorted so that it projects away from the vehicle in a manner which creates a hazard.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (1) (a), Register, October, 1997, No. 502, eff. 11-1-97.

Trans 305.19 Doors, hoods, locks, latches and door handles. (1) Every door, hood and trunk lid of a motor vehicle

shall be maintained in proper working condition and shall be equipped with sufficient hinges and latches so it can be opened and securely closed.

(2) (a) Every motor vehicle, except those manufactured with removable doors or without doors, shall be equipped with doors. Open top designed vehicles are not required to have operating doors when the vehicle is operated without a top.

(b) The hood or engine of a vehicle shall have no protrusions that will restrict the driver's view by extending more than 3 inches above a line that extends from the center of the hood at the base of the windshield, forward and parallel with the highway.

(3) A trunk lid or hatchback may be temporarily secured in an open position when transporting oversized objects that prevent complete lid closure.

(4) (a) All door handles on every motor vehicle shall be maintained in proper working order.

(b) Except as provided in subs. (5) and (6), no person may operate, or allow to be operated, on a highway a motor vehicle on which the door handles installed by the manufacturer of the motor vehicle have been disabled, removed or made inoperative. This paragraph does not apply to replica or street modified vehicles.

(5) Nothing in this section prohibits the interior door handles of the rear door or side rear doors of authorized emergency vehicles being intentionally made inoperative.

(6) Nothing in this section prohibits the interior door handles of the rear door or side rear doors of a vehicle being intentionally made inoperative by use of a child security door latch system or other door locking mechanism installed by the manufacturer of the vehicle.

Note: The vehicles to which this section applies include a vehicle designed to transport at least 6, but not more than 14, passengers in addition to the driver and commonly called a "van." In Wisconsin, a van is registered as an automobile if it is primarily used for the transportation of persons; a van is registered as a truck if it is primarily used for the transportation of property.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (1) and (2) (b), Register, October, 1997, No. 502, eff. 11-1-97; CR 01-120; renum. (4) to be (5) and am., cr. (4) and (6) Register May 2002 No. 557, eff. 6-1-02.

Trans 305.20 Exhaust and air pollution control systems. (1) The exhaust system on every motor vehicle shall be maintained in proper working condition and in conformity with this section and s. 347.39, Stats.

(2) Piping used in exhaust systems shall be of the rigid type. Convolution pipe meets this requirement, but flexible tubing may not be used in the exhaust system.

(3) Every exhaust system located so as to be hazardous to a person outside the vehicle or to a person entering or leaving a vehicle shall be protected in order to prevent such person from being burned or otherwise injured. The exhaust system location shall be considered hazardous if it extends beyond the body line for those systems where the exhaust pipes are on or extend to the side of the vehicle. A system where the exhaust pipes extend upward along the side or rear of the body shall also be protected in order to prevent persons from being burned or otherwise injured.

(4) The muffler and all parts of the exhaust system shall be functioning and may not be repaired by an inadequate patch or improperly discharge fumes.

(5) The tail pipe shall extend to the outside body line of the vehicle, except that light trucks may have the exhaust outlet extend only to the rear of the vehicle cab if the cargo area is not enclosed and used for passenger transportation.

(6) The exhaust system may not be modified so as to pass through the passenger compartment.

(7) All air pollution control equipment required by the federal clean air act and its implementing regulations shall remain installed or be replaced with identical or comparable tested parts. Air pollution control equipment originally installed by the manufacturer or identical or comparable tested replacement

equipment may not be removed, disconnected or physically altered to be ineffective.

(8) All air pollution control equipment required under sub. (7) shall be maintained in proper working condition and in conformity with s. 285.30 (6), Stats., and ch. Trans 131.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (6) and (8), Register, October, 1997, No. 502, eff. 11-1-97.

Trans 305.21 Floor pan and firewall. (1) The floor pan of every motor vehicle shall be maintained in good condition and in conformity with this section.

(2) The floor pan shall be free of rusted areas or holes which may allow entry of exhaust gases or would not adequately support vehicle occupants or cargo.

(3) No motor vehicle body may be raised above the frame more than 4 inches beyond the original manufacturer's specifications. In the absence of such specifications, and on homemade and reconstructed vehicles, no body may be mounted with the floor pan more than 4 inches above the frame.

(4) The firewall shall be maintained free of any holes. Any mechanisms, cables or wires routed through the firewall shall be properly sealed to prevent the entry of exhaust gases into the passenger compartment.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.22 Fenders and projecting parts.

(1) Every motor vehicle originally manufactured after January 1, 1950, every homemade vehicle registered after January 1, 1975, and every vehicle registered as a reconstructed vehicle after March 1, 1996 shall be equipped with adequate fenders covering the front and rear tires to prevent splashing of water and throwing of gravel, stones or other objects.

(2) All fenders shall be free of severely rusted or damaged material which may cause injury or cause the fenders to be ineffective. All required fenders shall be of sufficient width and length to cover the tire tread from 15 degrees to the front to 60 degrees to the rear when measured at the center of the axle, to the top of the tire, on a vertical plane.

(3) All fenders shall be securely mounted.

(4) Fenders may be extended up to 4 inches beyond the original fender line or the manufacturer's optional equipment fender flare line in order to cover tires that also extend beyond the original fender or flare line.

(5) No part of the vehicle or any vehicle accessory shall project away from the vehicle in a hazardous manner.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; correction of transcription error in (2) Register December 2010 No. 660.

Trans 305.23 Frames. (1) The frame on every motor vehicle shall be maintained in proper condition and in conformity with this section.

(2) Repairs, modifications or additional frame support are acceptable if they do not reduce the structural integrity or affect the alignment of the vehicle. Braze type welding may not be used on any repairs made to the frame.

(3) The frame may not be rusted or twisted to the extent that it no longer properly supports the vehicle or no longer provides the structural integrity necessary for correct alignment or safety.

(4) The vehicle may not be noticeably out of wheel alignment due to inadequate or improper repair or modification of the frame.

(5) No part of the frame may be missing due to excessive rust or uncorrected damage.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (4), Register, October, 1997, No. 502, eff. 11-1-97.

Trans 305.24 Fuel systems. (1) The fuel system of every motor vehicle shall be in proper working condition and in conformity with this section.

(2) The fuel system shall be free of any leaks.

(3) The fuel tank shall be closed with a fitted metal or plastic cap and shall be rigidly attached to the vehicle.

(4) No fuel tank may be located in the passenger compartment of a motor vehicle unless it was installed by a motor vehicle manufacturer licensed under ss. 218.0101 to 218.0163, Stats., or is a replacement of such a tank.

(5) Replacement, auxiliary and alternate fuel tanks may be installed by the owner of the vehicle or by a person in the business of fuel system installation. All fuel tanks shall meet or exceed industry standards for commercially manufactured fuel tanks which are certified for use in the type of vehicle in which the fuel tank is installed and for use with the type of fuel the tank is intended to contain. All installations shall be in accordance with commercially acceptable practices.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; r. (5), renum. (6) to be (5) and am., Register, October, 1997, No. 502, eff. 11-1-97; correction in (4) made under s. 13.93 (2m) (b) 7., Stats., Register May 2002 No. 557.

Trans 305.25 Horn. (1) The horn of every motor vehicle shall be maintained in proper working condition and in conformity with this section and s. 347.38, Stats.

(2) The horn wiring and connections shall be maintained in good condition.

(3) The horn shall be securely fastened to the vehicle.

(4) Every motor vehicle shall be equipped with a bar, button, ring or other actuation device for making electrical connection. The device shall be easily reached from the driver's seat while the driver is secured by a safety belt. A hand-activated horn utilizing an air bulb does not meet the requirements of this section.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.26 Mirrors. (1) All motor vehicles originally manufactured with an inside mounted rearview mirror and all homemade and reconstructed motor vehicles registered after January 1, 1975, shall be equipped with an inside mounted rearview mirror. All motor vehicles originally manufactured with a left outside rearview mirror and all homemade and reconstructed motor vehicles registered after January 1, 1975, shall be equipped with a left outside rearview mirror.

(2) The mirrors of every motor vehicle shall be maintained in proper working condition and in conformity with this section and s. 347.40, Stats.

(3) No mirror may be broken, cracked, discolored, non-reflective or otherwise reflect an inadequate image. All mirrors shall be securely mounted on the vehicle.

(4) If the vehicle is constructed, loaded, or towing another vehicle so as to prevent the operator's clear view to the right rear, adequate additional mirrors shall be installed on both sides of the outside of the vehicle.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.27 Restraining devices and seats. (1) All automobiles manufactured on or after January 1, 1972, shall have safety belts installed at all designated seating positions which meet the specifications of the safety belt system with which the vehicle was originally manufactured. All light trucks and motor homes manufactured after January 1, 1976, shall have safety belts installed at all designated seating positions which meet the specifications of the safety belt system with which the vehicle was originally manufactured. All homemade and reconstructed motor vehicles registered on or after January 1, 1975, shall have safety belts installed at all designated seating positions.

(2) All automobiles manufactured after January 1, 1969, and all light trucks and motor homes manufactured after September 1, 1991, shall be equipped with head restraints meeting the specifications of the head restraints with which the vehicle was originally manufactured. All homemade and reconstructed vehicles registered after January 1, 1975, shall be equipped with head restraints for the left and right front seating positions which meet the speci-

cations of head restraints installed in vehicles manufactured in the year in which the homemade or reconstructed vehicle is first registered.

(3) (a) Except as provided in par. (b), the restraining devices, including air bags, of every motor vehicle shall be maintained in proper working condition and in conformity with this section and s. 347.48, Stats. All required and optional restraining devices, including air bags, shall remain installed or be replaced by like equipment. All air bags that have been deployed shall be replaced with a comparable functioning air bag system.

(b) Front passenger side and driver side airbags may be deactivated by use of a manual cutoff switch installed in accordance with federal law or by any other means expressly permitted by federal law or when deactivation has been approved in writing by the United States department of transportation. Front passenger side airbags may be deactivated through use of a rear-facing child restraint system which automatically deactivates the airbag for the period of time in which the child seat is placed in the front passenger seat.

Note: For regulations relating to deactivation of front passenger side or driver side airbags, see 49 CFR Part 571.208 and 49 CFR Part 595.

(4) All safety belts shall be free of excessive fraying and be securely mounted to the motor vehicle.

(5) The seat and seat mechanisms of every motor vehicle shall be in proper working condition. All seats shall be securely fastened to the motor vehicle.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; renum. (3) to be (3) (a) and am., cr. (3) (b), Register, October, 1997, No. 502, eff. 11-1-97; am. (3) (a), Register, April, 1999, No. 520, eff. 5-1-99.

Trans 305.28 Speed indicator and odometer.

(1) The speed indicator of every motor vehicle primarily designed for use upon a highway shall be maintained in proper working condition within 4% accuracy at all speeds between 40 miles per hour and 65 miles per hour and in conformity with this section and s. 347.41, Stats.

(2) All speed indicators shall be equipped with a lamp that clearly illuminates the speed indicator when the vehicle's headlights or parking lamps are actuated.

(3) Every motor vehicle subject to registration under ch. 341, Stats., shall be equipped with a mileage odometer that registers the miles accumulated within 4% accuracy. The odometer shall be maintained in proper working condition.

(4) Every speed indicator and odometer shall be so mounted and positioned as to be clearly visible to the driver at all times.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.29 Steering and suspension.

(1) The steering and suspension of every motor vehicle shall be maintained in proper working condition and in conformity with this section and s. 347.455, Stats.

(2) The steering linkage may not be worn, jammed or bind, nor shall the steering system have excessive lash. Lash of more than 1/8 of one complete turn of the steering wheel is excessive.

(3) The belts assisting the power steering unit shall be in proper working condition and may not be missing, loose, or excessively frayed or cracked.

(4) The power steering unit shall be in proper working condition. No portion of a power steering unit or steering linkage may be disconnected. The power steering unit shall contain the proper fluid levels. All hoses and connections shall be in proper working condition and will have no leaks or visible cuts or cracks.

(5) (a) Every motor vehicle shall be equipped with a steering wheel the same size as the one with which the vehicle was manufactured or a replacement not less than 13 inches in diameter. Every homemade and reconstructed vehicle registered after January 1, 1975, shall have a steering wheel of not less than 13 inches in diameter.

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(b) All steering wheels shall be in proper working condition. The steering wheel shall be secured to the steering shaft by a locking device which prevents accidental removal. All steering wheels will be positioned to be operated with the driver seated in the front seat.

(6) All springs, shackles and cross stabilization linkage, including torsion bars, shall be in proper adjustment and may not be loose, disconnected or broken.

(7) (a) Every motor vehicle originally manufactured with shock absorbing devices and every homemade and reconstructed vehicle registered on or after January 1, 1975, shall have shock absorbing devices which function at suspension points.

(b) All shock absorbing devices shall be in proper and effective working condition, free of leaks, and securely attached to the unit mountings. The mountings and housings may not be loose or weakened. Shock absorbing devices are ineffective when the vehicle continues a free rocking motion for more than 2 cycles. The inspection procedure for shock absorbing devices is as follows: With the vehicle on a level surface, push down on one corner of the vehicle and release. Note the number of cycles of free rocking motion. Repeat the procedure at the other corners of the vehicle.

(8) Extended shackles in excess of 2 inches beyond original manufacturer's specifications is an unsafe modification and may not be used. Extended shackles up to 2 inches shall provide the same level of support and stability as provided by original equipment.

(9) No vehicle may be operated noticeably out of alignment.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (2), (6) and (7) (b), Register, October, 1997, No. 502, eff. 11-1-97.

Trans 305.30 Tires and rims. (1) The tires and rims on every vehicle shall be maintained in proper condition and in conformity with this section and s. 347.45, Stats.

(2) Every tire shall have at least 2/32 inch tread depth in every major tire groove measured at 2 points no less than 15 inches apart.

(3) The tires on any vehicle required to have fenders may not protrude more than 2 inches beyond the fender line at the highest point of the tire. The measurement shall be from the original fender line of the vehicle as equipped by the original manufacturer.

(4) Weight imposed on the tires or rims may not exceed that weight which is specified by the manufacturer of the tires or rims.

(5) No vehicle may have tires of different size or construction on the same axle, or directly across from each other on vehicles without a common axle, except that this subsection does not prohibit the use of mini spare tires temporarily used in accordance with manufacturer's specifications or other spare tires and rims that are temporarily used.

Example: Mounting a radial tire on the left front side and a bias ply tire on the right front side of an automobile is prohibited.

(6) No tire shall be repaired using a method not recommended by the manufacturer and there may not be tread or sidewall cuts or snags in excess of one inch in any direction as measured on the tire, deep enough to expose or damage the body cords, nor may there be any bump, bulge, knot, sidewall separation or failure or partial failure of the tire structure.

(7) No tire may be used that has been stamped or marked in such a manner so as to indicate that such tire is not to be operated on a highway.

(8) The rims may not be damaged, dented, bent or otherwise distorted, rusted or corroded.

(9) No rim may have loose or missing nuts, lugs or bolts.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (2) and (3), Register, October, 1997, No. 502, eff. 11-1-97; am. (2) and (3), Register, October, 1997, No. 502, eff. 11-1-97.

Trans 305.31 Modifications affecting height of a vehicle. (1) Modifications authorized by s. 347.455, Stats., may

not cause the front or rear bumper height of any vehicle to be altered more than the distance allowed by s. 347.455, Stats., from the original height of the bumper as specified by the vehicle manufacturer. Four wheel drive vehicles and motor trucks with a gross weight of not more than 8,000 pounds may not be modified so as to cause the vehicles to ride more than a total of 9 inches above the height of the vehicles specified by the manufacturer combining alterations under s. 347.455 (2), Stats., and changes in tire size under s. 347.455 (3), Stats. In the absence of manufacturer's specifications, every bumper shall meet the height standards established by s. Trans 305.18 (2) (a).

(2) Changes in the height of a vehicle shall be measured from the level surface on which the vehicle stands to any part of the vehicle. When measuring to a part of the vehicle body, consideration shall be given to specific modifications allowed by s. Trans 305.21 (3) in addition to alterations allowed by s. 347.455, Stats.

(3) The manufacturer's specified height of any part of a vehicle may be determined from the data published by the manufacturer or other manufacturer publications, such as the owner's manual, or by comparison with a similar model vehicle as normally delivered by the manufacturer.

(4) No person may operate any vehicle which has a fixed part of the vehicle located in a position that would contact the road surface before the rim in the event of tire failure.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (4), Register, October, 1997, No. 502, eff. 11-1-97.

Trans 305.32 Vent, side and rear windows. (1) All

glass used in vent, side or rear windows shall be safety glass and shall be plainly marked to identify it as safety glass, or a certification from the glass supplier stating that the glass is approved safety glass shall be carried in the vehicle during operation or vehicle inspection, or both. All glazing in the vent, side or rear windows shall be free of sharp edges severe enough to cause injury, cracks, etching, damage or other conditions which distort or interfere with vision.

(2) All front side windows in the driver's compartment which need to open for the making of arm signals shall operate so as to permit the making of arm signals.

(3) The vent, side and rear windows may not have cloudiness or etching in excess of 2 inches from any edge.

(4) (a) The vent and front side windows may not have any sign, poster or other nontransparent material upon them, other than a certificate or sticker issued by order of a governmental agency.

(b) Tinting of the vent and front side windows is permitted as follows:

1. The windows are tinted by the manufacturer of the glazing and are installed as part of the original manufacturing process.

2. The windows are tinted by the application of tinting film to the inside of the glazing provided that the combination of the glazing and tinting film permits passage through the windows of at least 50% of the visible light striking the windows. Tinting films permitted under this subdivision may not be reflective.

3. The windows are tinted, upon the recommendation of a physician or a Christian Science practitioner treating the owner, or an immediate family member of the owner of the vehicle, by the application of tinting film to the inside of the glazing provided that the combination of the glazing and tinting film permits passage through the windows of at least 35% of the visible light striking the windows. Tinting films permitted under this subdivision may not be reflective. A written statement from the treating physician or Christian Science practitioner which identifies the patient, the medical condition justifying the recommendation, whether the condition is temporary or permanent and the vehicle to which the recommendation applies, including the make, model, year and

vehicle identification number, shall be carried in the vehicle at all times. Tinting film applied under this subparagraph shall be removed when a vehicle covered by the recommendation is sold, when the person for whom a recommendation was made no longer resides in the household of the owner of the vehicle or when the duration of a temporary condition which is the basis for a recommendation has expired.

(5) (a) The rear window may not have any sign, poster or other nontransparent material upon it, other than a certificate or sticker issued by order of a governmental agency.

(b) Tinting of the rear window is permitted as follows:

1. The window is tinted by the manufacturer of the glazing and is installed as part of the original manufacturing process.

2. The window is tinted by the application of tinting film to the inside of the glazing provided that the combination of the glazing and tinting film permits passage through the window of at least 35% of the visible light striking the window. The tinting films permitted under this subdivision may not be reflective.

3. If a rear window does not transmit at least 60% of the visible light striking the window, the vehicle shall be equipped with an outside rearview mirror on the left and right side of the driver's compartment.

(6) Tinting of rear side windows is permitted as follows:

(a) The windows are tinted by the manufacturer of the glazing and are installed as part of the original manufacturing process.

(b) The windows are tinted by the application of tinting film to the inside of the glazing provided that the combination of the glazing and tinting film permits passage through the windows of at least 35% of the visible light striking the window. The tinting films permitted under this subdivision may not be reflective.

(7) When measuring total light transmittance under subs. (4) (b), (5) (b) and (6), law enforcement officers shall allow a tolerance of 3%.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (3), Register, October, 1997, No. 502, eff. 11-1-97.

Trans 305.33 Windshield defroster-defogger.

(1) Every motor vehicle manufactured after January 1, 1955, shall be equipped with a defroster-defogger system. Any motor vehicle lawfully manufactured and operated without a roof, doors or side windows is exempt from the requirements of this section.

(2) The defroster-defogger system shall be capable of removing condensation and frost from the windshield.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (1), Register, October, 1997, No. 502, eff. 11-1-97.

Trans 305.34 Windshields. (1) Every motor vehicle manufactured after January 1, 1936, shall have a windshield made of safety glass. Such glass shall be plainly marked to identify it as safety glass or a certification from the glass supplier stating that the glass is approved safety glass shall be carried in the vehicle during operation or vehicle inspection, or both.

(2) The windshield shall be of sufficient size to provide adequate protection for the driver and shall be in place when operating on a highway.

(3) The windshield may not be excessively cracked or damaged. A windshield is excessively cracked or damaged if:

(a) The windshield has a crack inside, or which extends inside, the windshield critical area.

(b) The windshield has cracks which extend into any area more than 8 inches from the frame.

(c) The windshield has stone or shot damage with a diameter in excess of 1/2 inch in the windshield critical area or in excess of 1 1/2 inches in diameter in any other area.

(4) The windshield may not have etching, scratches, abrasion or repairs of any type which impair or distort vision within the windshield critical area.

(5) The windshield may not have cloudiness or etching in excess of one inch around the outside edge on the driver's side or in excess of 2 inches on the passenger's side.

(6) Nothing may be placed or suspended in or on the vehicle or windshield so as to obstruct the driver's clear vision through the windshield. There may not be any posters, stickers or other non-transparent material, other than a certificate or sticker issued by order of a governmental agency, located on the windshield or located between the driver and the windshield. This subsection does not prohibit the following:

(a) Attachment of an inside rearview mirror in accordance with s. Trans 305.26.

(b) Windshields tinted by the manufacturer of the glazing and installed as part of the original manufacturing process.

(c) Application of window tinting film or other nontransparent material to the inside of the windshield if it is attached only to that portion of the windshield which is both outside the critical area and above the horizontal line delineated by the mark "Δ" or "A." If no such mark was affixed to the windshield by its manufacturer, no window tinting film may be attached to the windshield.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; reprinted to restore dropped copy, Register, February, 1997, No. 494.

Trans 305.35 Windshield wipers. (1) Every motor vehicle shall have a system of windshield wipers capable of clearing the windshield critical area.

(2) (a) The windshield wiper system of every motor vehicle shall be maintained in good working condition and in conformity with this section.

(b) The windshield wiper switch, wiring and connections shall be in proper working condition.

(c) Every windshield wiper blade shall be in good condition so as to adequately clear the windshield.

(3) Every windshield wiper shall be as large as practicable to adequately clear the windshield. If the windshield wiper system was originally equipped with multi-speed capability, the windshield wipers shall operate on at least 2 separate, constant speeds, one of which is at least 20 cycles per minute and the other which is at least 15 cycles per minute faster. Windshield wipers shall operate by use of an electric, hydraulic or vacuum device.

(4) Every motor vehicle manufactured after January 1, 1968, shall be equipped with a windshield washer system that is maintained in proper operating condition with adequate fluid available when the mechanism is activated.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (1), Register, October, 1997, No. 502, eff. 11-1-97.

Subchapter III — Motorcycles

Trans 305.37 Applicability of subch. II. (1) The following sections of subch. II apply to all motorcycles:

(a) Section Trans 305.17, brakes, except as otherwise provided in s. Trans 305.38.

(b) Section Trans 305.23, frames.

(c) Section Trans 305.28, speed indicator and odometer.

(d) Section Trans 305.30, tires, wheels and rims.

(2) Section Trans 305.35 applies to type 2 motorcycles.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.38 Brakes. (1) The brake system on every motorcycle shall meet the requirements of ss. 347.35 (2) and 347.36, Stats., and s. Trans 305.17, except that:

(a) Braking is required on only one wheel of a 2-wheel motorcycle unless the motorcycle was originally manufactured after March 1, 1996 with a braking system on both wheels, in which case brakes are required on both wheels.

(b) A parking brake is not required on a type 1 motorcycle.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

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Trans 305.39 Exhaust system. (1) Every motorcycle shall be equipped with a functioning exhaust system that is maintained in proper working condition so as to reduce engine noise. The exhaust system shall be maintained in conformity with this section and s. 347.39, Stats.

(2) Every exhaust system shall be maintained free of leaks from the engine exhaust ports through the piping and muffler to the end of the exhaust system. A protective shield or insulated section shall be provided for any portion of the exhaust system that extends above and to the rear of the foot pegs or rests.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.40 Fenders and bumpers. (1) A fender over each rear wheel is required on every motorcycle except those originally manufactured without a rear fender. A front fender is required on every motorcycle manufactured after March 1, 1996. The fender shall cover the complete tread width area of the tire and lengthwise from 15° to the front and 60° to the rear when measured at the center of the axle to the top of the tire on a vertical plane.

(2) Every type 2 motorcycle shall be equipped with a rear bumper which meets the requirements for a homemade or reconstructed vehicle under s. Trans 305.18.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.41 Fuel system. (1) The fuel system on every motorcycle shall be free of leaks.

(2) Every fuel tank shall have a cap or positive closing device.

(3) No fuel tank may be used for operation of the motorcycle except one produced by a manufacturer of fuel tanks for motorcycles or one that meets or exceeds industry standards for commercially manufactured tanks.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.42 Horn. (1) Every motorcycle shall be equipped with a horn which is securely attached to the cycle and is in conformity with this section and s. 347.38, Stats.

(2) The horn shall be activated by use of a button to make the electrical connection and shall be maintained in proper working condition.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.43 Lighting. (1) Every motorcycle shall be equipped with all lighting devices required by ch. 347, Stats. In addition, every motorcycle manufactured after January 1, 1972, shall be equipped with 2 amber direction signal lamps on the front and 2 direction signal lamps on the rear which may be red or amber.

(2) A motorcycle may be equipped with no more than 2 auxiliary lamps, including auxiliary lamps on a side car.

(3) Motorcycles and attached sidecars may be equipped with marker lamps provided that:

(a) No marker lamp exceeds a wattage of 10 watts.

(b) No marker lamp interferes with the visibility of a headlamp, tail lamp, stop lamp or direction signal.

(c) No lamp shows a color except red to the rear and amber to the front.

(4) All lighting devices shall be maintained in proper working condition and in conformity with ch. 347, Stats. All wiring and connections shall be maintained in good condition and there shall be no cracked, broken or missing lenses or reflectors.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.44 Mirrors. Every motorcycle shall be equipped with at least one mirror meeting the requirements of s. 347.40, Stats., and s. Trans 305.26.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.45 Sidecars. (1) A type 1 motorcycle may be equipped with one sidecar securely attached to the frame of the

motorcycle. A sidecar may only be attached to the right side of the motorcycle.

(2) A tail lamp and stop lamp or a combination lamp performing both functions meeting the requirements of ss. 347.13 (1) and 347.14 (2), Stats., shall be mounted on the rear of any side car. A sidecar may be equipped with a headlamp if the headlamp is mounted as required by s. 347.09 (2), Stats.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.46 Suspension system. (1) Any motorcycle with a front suspension system modified before January 1, 1976, may have a rake of no more than 55 degrees, provided the trail is at least 2 inches.

(2) Any motorcycle, commencing with the 1976 models, may be modified to cause the front suspension system to have a rake of no more than 50 degrees, provided the trail is at least 2 inches.

(3) As used in this section:

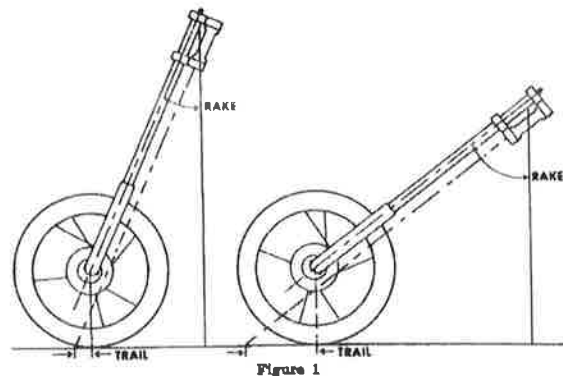
(a) "Rake" means the angle formed by the front suspension, or "forks," and a vertical line drawn from the top of the front "forks" perpendicular to the ground.

(b) "Trail" means the distance from a point on the roadway directly underneath the center of the front wheel to the projected point where an extension of the front frame through the fork head would intersect the roadway.

(4) Every motorcycle shall be equipped with a shock absorbing front suspension system.

(a) The main tubes or the individual sliding tubes on a telescoping front suspension system shall be of one piece construction. Screw-on extensions, or "slugs," are prohibited.

(b) All shock absorbing units shall be in proper working condition and free of leaks.



History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.47 Tires, wheels and rims. The tires of every motorcycle and of any attached sidecar or trailer shall meet the requirements of s. Trans 305.30.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Subchapter IV — Heavy Trucks, Trailers and Semitrailers

Trans 305.48 Definitions. For purposes of this subchapter, "vehicle" means heavy trucks, trailers and semitrailers.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.485 Applicability of subch. II. (1) The following sections of subch. II apply to heavy trucks, trailers and semitrailers:

(a) Section Trans 305.22, fenders and projecting parts.

(b) Section Trans 305.30, tires, wheels and rims.

(2) The following sections of subch. II apply to heavy trucks:

- (a) Section Trans 305.075, auxiliary lamps.
- (b) Section Trans 305.11, headlamps.
- (c) Section Trans 305.19 (1), doors, hoods, locks and latches.
- (d) Section Trans 305.20 (3), exhaust shields.
- (e) Section Trans 305.24, fuel systems.
- (f) The provisions of s. Trans 305.28 concerning odometers.
- (g) Section Trans 305.32, vent, side and rear windows.
- (h) Section Trans 305.33, defroster and defogger.
- (i) Section Trans 305.34, windshields.
- (j) Section Trans 305.35, windshield wipers.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (2) (a), renun. (2) (b) to (c) to be (2) (f), (g), (i) and (j), or. (2) (b) to (e) and (h), Register, October, 1997, No. 502, eff. 11-1-97.

Trans 305.49 Axle control valves. (1) When a vehicle is equipped with an axle or axles that raises or lowers by means of air pressure, spring force or hydraulic pressure, the control valves shall be installed as follows:

- (a) The control valve that regulates the amount of pressure shall be mounted outside of the driver's compartment.
- (b) The control valve that regulates the movement of the axle or axles so as to raise or lower the axle or axles may be in the driver's compartment.

(2) This section applies to vehicles manufactured commencing with the 1998 model year.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (2), Register, October, 1997, No. 502, eff. 11-1-97.

Trans 305.50 Bed and body on trailers and semitrailers. The bed or body of a trailer or semitrailer may not contain holes, cracks or other openings which would allow the vehicle contents to drop, leak or spill upon the highway.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. Register, October, 1997, No. 502, eff. 11-1-97.

Trans 305.51 Brakes on heavy trucks, trailers and semitrailers. (1) The brake system on every heavy truck, trailer or semitrailer required by s. 347.35 (3), Stats., to have brakes shall be maintained in proper working condition and in conformity with this section.

(2) Every heavy truck, semitrailer or trailer over 10,000 pounds gross weight and required to have brakes shall have braking ability on every wheel, except as exempted by s. Trans 327.03 (4) or other applicable law.

(3) No person may operate any heavy truck, trailer or semitrailer upon a highway if:

- (a) The vehicle stops with obvious side pull when brakes are applied;
- (b) The brake lining, pads, drums or rotors on any wheel are worn below the manufacturer's recommended minimum operating level;
- (c) Any part of the brake system is missing, broken or disconnected;
- (d) The cables are frayed or hoses are abraded, damaged, deteriorated or leaking; or
- (e) There is visual evidence of leakage of grease, oil or brake fluid that may have contaminated the braking surface.

(4) This section does not apply to any trailer or semitrailer when its actual gross weight is less than 3,000 pounds, or to farm trailers.

Note: Ch. Trans 308 establishes requirements as to the design, type and performance standards of brakes required by s. 347.35 (3), Stats., on trailers and semitrailers. Section 347.36, Stats., also establishes minimum performance standards for brakes on combinations of vehicles.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (1) to (3) (intro.), Register, October, 1997, No. 502, eff. 11-1-97.

Trans 305.52 Coupling devices. (1) When 2 or more vehicles are operated in combination, the coupling devices con-

necting the vehicles shall be designed, constructed and installed and the vehicles shall be designed and constructed, so that when the combination is operated in a straight line on a level, smooth, paved surface, the path of the towed vehicle will not deviate more than 3 inches to either side of the path of the vehicle that tows it.

(2) Coupling devices and safety devices shall meet the requirements of s. 347.47, Stats.

Note: Ch. Trans 308 establishes requirements as to the type, design and strength of couplings, safety chains, leveling bars and cables required by s. 347.47, Stats., on trailers, semitrailers and mobile homes.

(3) When used as part of a fifth wheel assembly on a truck tractor, the king pin shall fit snugly into the upper and lower halves, but may not bind.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. (3), Register, October, 1997, No. 502, eff. 11-1-97.

Trans 305.53 Fenders and mud guards. Every trailer or semi-trailer shall be equipped with adequate fenders to cover the tires, except when the construction of the trailer or semitrailer is such that the body, bed, load, or load-carrying area covers the tires. Semitrailers operated in intercity movement and not equipped with dump bodies shall have sufficient mud guards as specified in s. 347.46 (2), Stats., unless exempted under s. 347.46 (2) (c), Stats.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.54 Frames on heavy trucks, trailers and semitrailers. (1) No frame may be repaired, modified or altered, nor may additional support be added to a frame, if the structural integrity or alignment of the vehicle is adversely affected.

(2) No frame may be rusted, damaged or cracked to the extent that it no longer properly supports the vehicle or the load carried on the vehicle.

(3) No vehicle may be operated on a highway which is noticeably out of alignment.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.55 Lighting devices. (1) Every vehicle shall be equipped with all lamps and reflectors required by ch. 347, Stats., and this section. Required lamps shall be capable of being operated at all times.

(2) Every vehicle shall be equipped with clearance lamps, sidemarker lamps and reflectors as follows:

(a) Truck tractors and road tractors shall be equipped with 2 clearance lamps on the front of the vehicle and with an amber side marker lamp on each side of the vehicle as far to the front as practicable.

(b) Motor trucks, trailers and semitrailers whose overall width is more than 80 inches shall be equipped with 2 clearance lamps on the front and 2 clearance lamps on the rear of the vehicle; 2 reflectors on the rear of the vehicle; and on each side of the vehicle, 2 side marker lamps mounted so as to identify as nearly as possible the extreme length of the vehicle.

(c) Motor trucks, trailers and semitrailers whose overall width is 80 inches or less shall be equipped with 2 reflectors on the rear of the vehicle and on each side of the vehicle, 2 side marker lamps mounted so as to identify as nearly as possible the extreme length of the vehicle.

(d) Clearance lamps, sidemarker lamps and reflectors shall conform to the color, mounting and visibility requirements specified in ss. 347.17, 347.18 and 347.19, Stats.

(3) Three identification lamps shall be mounted horizontally at the vertical center line on the front and rear of every motor truck which is 80 or more inches in overall width, on the front of every truck tractor or road tractor which is 80 or more inches in overall width, and on the rear of every trailer or semitrailer which is 80 or more inches in overall width. A truck tractor or road tractor need not be equipped with rear identification lamps. The lamps shall be mounted as close as practicable to the top of the vehicle

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and at the same height. The color of front identification lamps shall be amber and the color of rear identification lamps shall be red.

(4) All lamps shall be permanently and securely mounted on a permanent part of the vehicle, except that temporary lamps mounted on projecting loads need not be permanently mounted.

(5) Reflectorized material extending across the full width of the vehicle which meets the mounting and visibility specifications of ss. 347.18 and 347.19, Stats., may be used in lieu of the reflectors required by s. 347.16, Stats.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.56 Rear end protection. (1) Every vehicle, except truck tractors, pole trailers and vehicles engaged in automobile haulaway operations, manufactured after December 31, 1952 which is so constructed that the body or the chassis assembly, if without a body, has a clearance at the rear end of more than 30 inches from the ground when empty, shall be provided with bumpers or devices serving similar purposes which shall be so constructed and located that:

(a) The clearance between the effective bottom of the bumpers or devices and the ground may not exceed 30 inches with the vehicle empty.

(b) The maximum distance between bumpers, or devices, if more than one is used, may not exceed 24 inches.

(c) The maximum transverse distance from the widest part of the vehicle at the rear to the bumper or device may not exceed 18 inches.

(d) The bumper or device shall be located not more than 24 inches forward of the extreme rear of the vehicle.

(2) Bumpers or other protective devices shall be substantially constructed and firmly attached. No vehicle may be operated with missing, broken or weakened parts so as to render any required protective device ineffective.

(3) Motor trucks, truck tractors and road tractors constructed and maintained so that the body, chassis or other parts of the motor vehicle provide the rear end protection required by this section shall be deemed to be in compliance with this section.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

Trans 305.57 Suspension system on heavy trucks, trailers and semitrailers. (1) All parts of the suspension system of a heavy truck, trailer or semitrailer, including the springs, shackles, shock absorbers and cross stabilization linkage, including torsion bars, air lines, air valves, air bags and all attachment parts, shall be in proper adjustment.

(2) No heavy truck, trailer or semitrailer may have any loose, disconnected, leaking or broken suspension parts.

(3) The suspension system of a heavy truck, trailer or semitrailer may not cause the vehicle to track noticeably out of alignment with the towing unit.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96; am. Register, October, 1997, No. 502, eff. 11-1-97.

Trans 305.58 Wiring. (1) Wiring for both low tension and high tension circuits shall be constructed and installed so as to function reliably and adequately.

(2) Required lamps shall be connected to the power source with stranded wire.

(3) Wiring shall, when possible, be grouped together and protected by tape, braid, sheath, tube or other covering capable of withstanding surface abrasion.

(4) Wiring shall be properly supported.

(5) Wiring may not be located where it is likely to be charred, overheated or enmeshed in moving parts.

(6) The edges of all holes in metal through which the wiring passes, unless the wiring is metal covered, shall be rolled or bushed with a grommet of rubber or other suitable material.

History: Cr. Register, February, 1996, No. 482, eff. 3-1-96.

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